

MONDAY, FEBRUARY 24, 1992

SIXTY-SECOND LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Deacon Bobby Moore, Garden of Prayer First Born Church, Lebanon, Tennessee.

Representative Bell led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Cross; due to medical reasons.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Haltzman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

MESSAGE FROM THE GOVERNOR  
February 21, 1992

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1665, 1667, 1678, 1686, 1688, 1706 and 1731; also, House Joint Resolution(s) No(s). 444, 448, 450, 451

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452, 455, 458, 459, 460, 461, 462 and 486; with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

### JOURNAL CORRECTIONS

House Bill No. 1522 was reported on page 2413 of the 1991 Journal as being Senate Bill No. 1522 and should be corrected accordingly.

House Bill No. 752, placed on the message calendar for June 20, 1991, should have been reported later that day as being held on the Clerk's desk.

### RULES SUSPENDED

Rep. Turner (Hamilton) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 506 out of order, which motion prevailed.

House Joint Resolution No. 0506 -- Memorials, Death -- Charles Rayburn Traugher. by \*Turner B.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Turner (Hamilton), with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Bell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 349 out of order, which motion prevailed.

**Senate Joint Resolution No. 0349** -- Memorials, Recognition and Thanks -- Honors "Baby John" Frazier V and his family. by \*Hicks, et al.

On motion of Rep. Bell, the resolution was concurred in by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
**February 24, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 359; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 0359** -- Memorials, Personal Occasion -- Alice Byard, 84th birthday. by \*Darnell.

**MESSAGE FROM THE SENATE**  
**February 24, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1787; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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**\*Senate Bill No. 1787** -- Highway Signs -- "Knoxville Museum of Art", 1-40. by \*Atchley, \*Gilbert.

#### **RULES SUSPENDED**

Rep. Knight moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 359 out of order, which motion prevailed.

**Senate Joint Resolution No. 0359** -- Memorials, Personal Occasion -- Alice Byard, 84th birthday.

On motion of Rep. Knight, the resolution was concurred in, which motion prevailed.

A motion to reconsider was tabled.

#### **RULES SUSPENDED**

Rep. Whitson moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 499 out of order, which motion prevailed.

**\*House Joint Resolution No. 0499** -- Memorials, Government Officials -- Requests governor and board of regents to include Dr. Jack Campbell as candidate for president of ETSU. by \*Whitson, \*Johnson, \*Gunnels, \*Allen, \*Robinson Ruth, \*Haun, \*Cole, \*Davis R E, \*Niceley, \*Holcomb, \*Severance, \*Cross, \*Jackson, Harrill, Williams M, Huskey, Winningham, Davis J K, Armstrong, Bivens, Peroulas Draper, Ferguson, Tindell, Bittle, Hill, Anderson, Duer, Windle, Rhinehart, Hillis, McDaniel, Arriola, Liles, McKee, Sipes, Pinion, Phillips, Collier, Rinks, Curlee, Rigsby, Moore, Kent, Crain, Bell, Buck, Davis Ray, Ridgeway, Holt, Napier, Herron, Davidson.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Whitson, the resolution was adopted. The following members requested to be recorded as voting no: Reps. Bragg, Kisber, Head, Coffey and Hargrove; Rep. West requested that he be recorded as present and not voting.

A motion to reconsider was tabled.

#### **CONSENT CALENDAR**

**House Joint Resolution No. 0488** -- Memorials, Personal Achievement -- Vannoy Streeter, Wire Sculpturer.

**House Bill No. 2180** -- Covington -- Gives mayor and board of aldermen authority to set salaries of board of education members.

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Amends Chapter 57, Acts of 1869-1870, as amended.

**House Bill No. 2242** -- Cumberland County -- Removes at-large member of board of education. Amends Chapter 776, Private Acts of 1949, as amended.

**Senate Joint Resolution No. 0341** -- Memorials, Retirement -- Phillip Dean, Principal, Hamilton Elementary School.

**Senate Joint Resolution No. 0342** -- Memorials, Death -- Reverend Elmer M. Martin.

**Senate Joint Resolution No. 0344** -- Memorials, Professional and Business Achievement -- Dr. Don Loftis, Network for Effective Schools Eminent Educator.

**Senate Joint Resolution No. 0349** -- Memorials, Recognition and Thanks -- Honors "Baby John" Frazier V and his family. by \*Hicks, et al.

**House Joint Resolution No. 0490** -- Memorials, Public Service -- Alice Harton Ratcliffe.

**House Joint Resolution No. 0491** -- Memorials, Sports -- Sullivan South High School football team.

**House Joint Resolution No. 0492** -- Memorials, Public Service -- Gladys Faires, Knoxville.

**House Joint Resolution No. 0493** -- Memorials, Congratulations -- White Station High School, champions of Yale Model United Nations competition.

**House Joint Resolution No. 0494** -- Memorials, Personal Occasion -- Lizzie Franklin, 92nd birthday.

**House Bill No. 2268** -- Cannon County -- Imposes wheel tax on motor vehicles with dealer plates. Amends Chapter 62, Private Acts of 1975, as amended.

**House Bill No. 2308** -- Monroe County -- Abolishes at large position on school board at end of term; creates three new positions, one each from Districts 1, 2, and 3 to be elected at August, 1992 election; staggers terms. Amends Chapter 117, Private Acts of 1963, as amended.

**House Bill No. 2294** -- Sequatchie County -- Provides that members of school board be elected from county commission districts rather than at large. Repeals Chapter 748, Private Acts of 1947, as amended.

Senate Joint Resolution No. 349 was previously considered today and therefore, not voted on the Consent Calendar.

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Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Copeland -- 1.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Bill No. 1738** -- Highway Signs -- "Knoxville Museum of Art", 1-40.

On motion, House Bill No. 1738 was made to conform with Senate Bill No. 1787.

On motion, **Senate Bill No. 1787**, on same subject, was substituted for House Bill No. 1738.

Rep. Tindell moved that **Senate Bill No. 1787** be passed on third and final consideration.

Rep. Armstrong moved to amend as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1787 by adding the following as a new Section 2 and by redesignating the subsequent sections accordingly:

Section 2. Notwithstanding any other provision of law to the contrary, it shall be the duty of the department of transportation to erect and maintain directional signs at sites and facilities of educational and cultural interest to the citizens of the state, including the erection of such signs for the "Old City" in Knoxville on Interstate 40 at exit 388 eastbound and exit 387 westbound.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Tindell moved that **Senate Bill No. 1787**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1709 -- Taxes, Real Property --** Requires payment of undisputed amount of real property taxes assessed against utilities; allows payment of disputed portion. Amends TCA 67-5-1329.

On motion, House Bill No. 1709 was made to conform with Senate Bill No. 1650.

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On motion, **Senate Bill No. 1650**, on same subject, was substituted for House Bill No. 1709.

Rep. Kisber moved that **Senate Bill No. 1650** be passed on third and final consideration.

Rep. Kisber moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 1650 by deleting the period at the end of Section 2 of the printed bill, and adding the following:

    , provided that nothing in this act shall be construed to authorize the imposition of any interest against the property owner for the period between the delinquency date for 1990 taxes and the effective date of this act.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved to amend as follows:

**Amendment No. 2**

Amend Senate Bill No. 1650 by deleting the period at the end of the amendatory language in Section 1, as amended, and by adding the following:

    , unless the jurisdiction votes by a majority of its chief legislative body to designate some other official as the person electing options.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Kisber moved that **Senate Bill No. 1650**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0
Present and not voting. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton),



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Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Head, Tullos, Windle -- 3.

A motion to reconsider was tabled.

**House Bill No. 0868 -- Taxes --** Makes certain revisions to tax provisions. Amends TCA, Title 67, Chs. 2, 4, 67-6-102, 67-6-702.

Rep. Rhinehart moved that House Bill No. 868 be reset to the next available space on the calendar for Wednesday, February 26, 1992, which motion prevailed.

**UNFINISHED BUSINESS**

**REMARKS**

Rep. Brenda Turner requested that the following remarks, from the Judiciary Committee meeting of February 12, 1992, be spread upon the Journal:

Yes sir Mr. Chairman, I would like to request at this point to take a point of personal privilege if I may for the City of Chattanooga, the County of Hamilton and District 29. I know that there has been much discussion in relation to our criminal justice system, where we are financially in this state and all of us know we are under a federal court order. With that federal court order, came specific guidelines that our prosecutors must abide by. As many of you may know, I come from a background of law enforcement, raised in a home of a chief administrator, an elected office as Police Commissioner and Sheriff. My father, James B. Turner, tried desperately every night of his life to assure the people of the City of Chattanooga that they were living in a safe environment. Last year in Chattanooga we unfortunately had the highest crime rate per capita of any other metropolitan city in the whole state. That's a devastating compliment to our city. We had 49 murders, 43 cleared convictions, 2,275 auto thefts and we had 14,798 arrests. With that, ladies and gentlemen, we have a rise in neighborhood watch programs, our citizens are living in fear but our burglar alarm system business is on the rise for those who can afford a burglar alarm system. As many of you know, there are people in our districts too poor to afford such protection and if we do not do what all we can do and commit ourselves to assure the safety of our citizens in their homes and on the streets, in the shopping centers with their families, in recreation or anywhere they move about, then this committee, many of us do share a common ground of wanting to assure that our justice system does survive. We must, absolutely must, be in a position to assure our citizens that those arrested will be appropriately prosecuted, defended if arrested and charged,

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and incarcerated if convicted. With that, Mr. Chairman, I thank you and for this opportunity to speak for those citizens in our community in Chattanooga and would invite any member of this committee to join me to assure the people of our dedication to assure their safety. Thank you.

### **RULES SUSPENDED**

Rep. Purcell moved that the rules be suspended to allow Commissioner Charles Smith and his associate on the House floor, which motion prevailed.

### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 752**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 752 (Senate Bill No. 1231) has met and recommends that the attached draft be adopted and made the action of the House and Senate.

Sen. Ray Albright  
Sen. Andy Womack  
Sen. Riley Darnell  
Sen. Jim Kyle  
Sen. Ben Atchley  
Sen. Leonard Dunavant  
Rep. Alan R. Hubbard

Rep. Eugene Davidson  
Rep. Bill Purcell  
Rep. Maria Peroulas Draper  
Rep. Zane C. Whitson  
Rep. Leslie Winningham  
Rep. Steve D. Bivens  
Rep. Beth Halteman

[Sen. Rochelle and Rep. U. Jones were members of the conference committees but did not sign the report.]

### **DRAFT**

AN ACT To enact the Education Improvement Act of 1991, and to amend and repeal provisions of Tennessee Code Annotated, Titles 8 and 49, accordingly.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is the Education Improvement Act, and may be cited as such.

SECTION 2. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subdivision (4) and substituting instead the following:

(4) Develop and adopt policies, formulas, and guidelines for the fair and equitable distribution and use of public funds among public schools and for the funding of all requirements of state laws, rules, regulations and other required expenses, and to regulate expenditures of state appropriations for public education, grades kindergarten (K) through twelve (12). Such

policies, formulas and guidelines may be changed as necessary, but not more often than once per appropriation period, and shall not be considered rules subject to promulgation under the Administrative Procedures Act, Title 4, Chapter 5. Such policies, formulas and guidelines as are adopted by the board shall consider and include provisions for current operation and maintenance, textbooks, school food services, pupil transportation, vocational and technical education, number of programs of pupils served, measurable pupil improvement, reduction of pupil dropouts, teacher training, experience and certification, pupil-teacher ratio, substitute teacher reimbursement, requirements prescribed by state laws, rules, regulations or other required costs, and inflation; and may include other elements deemed by the board to be necessary. The board shall establish a review committee for the Tennessee Basic Education Program. The committee shall include the commissioners of education and finance and administration, or their designees. Others may be appointed by the board as determined by the board. Any changes in the Basic Education Program components of the formula as approved by the board for the 1992-93 fiscal year must first be approved by the commissioners of education and finance and administration.

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 3, Part 3, is amended by adding the following new sections:

Section 49-3-331(a) State funds appropriated for the Basic Education Program (BEP), grades kindergarten (K) through twelve (12), shall be allocated pursuant to the formula devised by the State Board of Education pursuant to Section 49-1-302. The programs funded through this formula are the "Tennessee Basic Education Program".

The formula shall also include increased funding for inclusion of a capital outlay component and cost of operations adjustments. This requirement shall be implemented the first year of the Basic Education Program.

The Tennessee Basic Education Program shall include requirements prescribed by state law, regulations, rules, and other required costs.

Before any subsequent amendment or revision to the components of the formula of the Tennessee Basic Education Program shall become effective, it shall be submitted to the House and Senate education committees for review and recommendation and shall be approved by resolutions of the Senate and House of Representatives, but such approval shall be on the complete plan or revision and shall not be subject to amendment of the plan or revision.

(b) Notwithstanding any other law to the contrary, except for direct appropriations in support of the Career Ladder Program, Chapter 5, Part 50, of this title, the only procedure for the funding of the Basic Education Program grades

kindergarten (K) through twelve (12) shall be as provided in the formula prescribed in this section, and to the extent that funds are appropriated for such purpose by the General Assembly.

(c) All funds generated for the Basic Education Program shall be spent on Basic Education Program components; provided, however, that those funds that cannot be spent prior to the beginning of the 1994-95 school year shall be available for distribution to local school systems for the purpose of classroom construction and/or twenty-first century classroom technology to meet the maximum class size requirements of this title.

(d) Notwithstanding any other section or law to the contrary, the Basic Education Program of every local education agency will be calculated on the basis of prior year average daily membership (ADM) or full-time equivalent average daily membership (FTEADM) or identified and served special education (I&S), as appropriate, unless the LEA's current year ADM, FTEADM, or I&S changes from the prior year by more than two (2) percent, in which case, the current year ADM, FTEADM, or I&S will be used.

Section 49-3-332 (Deleted)

Section 49-3-333 (a) There is hereby established within the general fund of each local education agency a special revenue account to be known as the "Dedicated Education Fund".

All appropriations from all sources to fund public education will be deposited in this account. Money in the Dedicated Education Fund shall be invested as provided by law.

(b) Any fund balance remaining unexpended at the end of a fiscal year in the general fund of the local public education system shall be carried forward into the subsequent fiscal year. Such fund balance shall be available to offset shortfalls of budgeted revenues or, subject to the provisions of Section 49-2-301(f)(23), shall be available to meet unforeseen increases in operating expenses. The accumulated fund balance in excess of three percent (3%) of the budgeted annual operating expenses for the current fiscal year may be budgeted and expended for nonrecurring purposes but shall not be used to satisfy appropriation requirements for recurring annual operating expenses.

Section 49-3-334(a) In order for any local public school system to receive Tennessee Basic Education Program funds, such system shall meet the conditions and requirements set out in this section. In order to enforce the same, the Commissioner of Education may in his discretion withhold a portion or all of the Tennessee Basic Education Program funds that the system is otherwise eligible to receive.

(b) Every local public school system shall meet the requirements of state law as to the operation of such system and

of the rules, regulations, and minimum standards of the State Board of Education for the operation of schools.

Section 49-3-335(a) Tennessee Basic Education Program funds shall be distributed by the Commissioner of Education periodically throughout the school year according to a schedule established by the Commissioner of Education and the Commissioner of Finance and Administration, subject to all restrictions prescribed by law.

Basic Education Program funds that are earned in classroom components, which include pupil contact and classroom support as defined by the State Board of Education, must be spent in the classroom.

(b) Tennessee Foundation Program appropriations to local education agencies for the 1990-1991 school year shall be a base, and no local education agency shall receive in subsequent years from the Basic Education Program a lesser amount of funds, adjusted for changes in student enrollment, than it received in the 1990-1991 school year under the Tennessee Foundation Program.

(c) Before a full and complete settlement is made with any system for any year, all records and reports required by the Commissioner shall be filed with him by the system.

(d) If state funds available for distribution are insufficient to meet the local public school systems' entitlements, the Commissioner shall apply a pro rata reduction to the amount for which each system is eligible. The pro rata shall be applied to the state increased amount needed to fully fund the Basic Education Program compared to the base year.

If such action is necessary, the Commissioner of Education, with the approval of the State Board of Education, may waive any requirements prescribed by law, rule, regulation or otherwise until the state provides the required funding.

Section 49-3-336(a) Pupil transportation services shall be as defined by the Commissioner of Education and approved by the State Board of Education. State funds for pupil transportation shall be appropriated as determined by the formula established by the Commissioner and distributed through the Tennessee Basic Education Program.

(b) The formula should encourage the most efficient usage of transportation services by local boards of education.

(c) Wherever possible, the aggregate purchasing power of local education agencies should be consolidated, and transportation equipment and supplies purchased through statewide contracts issued by the Department of General Services.

Section 49-3-337 The state shall provide seventy-five (75) percent of the funds generated by the Tennessee Basic Education

Program formula in the classroom components and fifty (50) percent in the nonclassroom components as defined by the State Board of Education. Every local government shall appropriate funds sufficient to fund the local share of the Basic Education Program. No LEA shall commence the fall term until its share of the Basic Education Program has been included in the budget approved by the local legislative body. From the local portion of such revenues, there shall be a distribution of funds for equalization purposes pursuant to a formula adopted by the State Board of Education as approved by the Commissioners of Education and Finance and Administration. It is the intent of the General Assembly to provide funding on a fair and equitable basis by recognizing the differences in the ability of local jurisdictions to raise local revenues.

Section 49-3-338 There is hereby created the Education Trust Fund of 1992. The Commissioner of Finance and Administration is authorized and directed to deposit to this fund all revenues earmarked and allocated specifically and exclusively for educational purposes under this act, Tennessee Code Annotated, Section 67-6-103, 67-4-1025, 57-4-306, and any other statute providing for the collection of state taxes allocated for educational purposes. All expenditures from this fund shall only be made upon appropriations for educational purposes duly enacted by the General Assembly. Educational purposes shall include, but not be limited to, payment of principal and interest on general obligation bonds authorized to fund capital projects for institutions of higher education. Any unencumbered funds and any unexpended balances of the fund remaining at the end of any fiscal year shall not revert to the general fund of the state but shall be carried forward until expended for educational purposes pursuant to appropriations duly enacted by the General Assembly.

(a) There is hereby established within the Education Trust Fund of 1992 created by this act, a special revenue account to be known as the Basic Education Program Account.

(b) All appropriations from the Education Trust Fund of 1992 and such other appropriations as may be provided by law, will be credited to the Basic Education Program Account. Such appropriations will be credited to the account on the fifteenth day of the second month of each quarter or on such other schedule approved by the Commissioner of Education and the Commissioner of Finance and Administration.

(c) The principal and interest of the Basic Education Program Account, and any part thereof, will be subject to payment under the provisions of this chapter. The Commissioner of Education shall administer the Basic Education Program Account and is authorized to make disbursements from the account in accordance with the provisions of Tennessee Code Annotated, Section 9-4-601.

(d) Money in the Basic Education Program Account shall be

invested by the State Treasurer for the benefit of the account pursuant to Section 9-4-603. Interest accruing on investments and deposits to the account shall be returned to the account and become part of the account.

(e) Any unencumbered funds or any unexpended balance of the Basic Education Program Account remaining at the end of any fiscal year shall not revert to the general fund of the state or the Education Trust Fund of 1992, but shall be carried forward until expended in accordance with the provisions of this chapter.

(f) All state funds available to any local education agency that exceed the amount of state funds provided for public education in each respective local education agency in the 1991-92 fiscal year, shall be exempt from the trustee's commission authorized by Section 8-11-110.

Section 49-3-339(a) There is included in the Tennessee Basic Education Program an amount of money sufficient to pay two hundred dollars (\$200.00) for every teacher in grades kindergarten through twelve (K-12). This money shall be used by the said teachers for instructional supplies. One hundred dollars (\$100.00) shall be spent for such purpose as determined by each such teacher. The second one hundred dollars (\$100.00) shall be pooled with all such teachers in a school and spent as determined by a committee of such teachers for such purpose. The purpose of this pool is to permit purchase of items or equipment that may exceed an individual teacher's allocation, for the benefit of all such teachers at the school and the enhancement of the instructional program, and shall not be used for basic building needs such as HVAC, carpets, furniture, items or equipment for the teachers' lounge, or the like.

(b) Each local education agency shall be entitled to receive funding of no less than two dollars (\$2.00) per ADM in grades K-12 to be used for the purpose of providing a duty-free lunch period for each teacher.

(c)(1) There is included in the Tennessee Basic Education Program an amount of money sufficient to fund one (1) full-time, public school nurse position for each three thousand (3,000) students or one (1) full-time position for each local education agency, whichever is greater. A local education agency may use such funds to directly employ a public school nurse or to contract with the Tennessee public school nurse program, created by Section 68-1-1201(a), for provision of school health services.

(2) Each public school nurse employed by or provided to a local education agency, pursuant to subsection (a) of this section, shall meet or exceed the minimum qualifications and standards established pursuant to 68-1-1204(a), and shall perform the duties and responsibilities enumerated within Section 68-1-1202.

(d) The amounts provided in this section may be reduced pro rata by the Commissioner of Education during any year in which the Basic Education Program appropriation is insufficient to fund the program fully.

Section 49-3-340 There shall be an amount of money above and beyond the Tennessee Basic Education Program to be used as incentive funding to reward those schools that exceed the performance standards recommended by the Commissioner and set by the State Board of Education. The amount of the individual incentive grant for each school shall be set by the Commissioner of Education. The grants shall be contingent on the Commissioner's development of an appropriate data management system but shall not be available before the 1994-95 school year.

Section 49-3-341 The State Board of Education and the State Department of Education are directed to implement the K-3 At-Risk class size program in accordance with policies developed by the Department of Education and approved by the State Board of Education.

Section 49-3-342 Any funds allocated under the Basic Education Program for compensation of a superintendent in a county shall be divided among all local education agencies in that county on the basis of average daily membership.

SECTION 4. Tennessee Code Annotated is amended by adding the following new section to Title 49, Chapter 1, Part 2:

49-1-2\_. (a) The Commissioner of Education is authorized to prescribe a management information system through which local school systems maintain, record, and report information to the department and information for internal school and system management. Such system shall be established by the Commissioner in accordance with the standards and policies and procedures established by the Information System Council.

(b) (1) The Commissioner of Education shall recommend standards of fiscal accountability and soundness for local school systems to the State Board of Education and the state board shall promulgate rules based on these standards to be used in evaluating the fiscal operations of local school systems.

(2) (A) There shall also be performance goals for each school district which shall include, but not be limited to, determinations based on the current status of each local school system as determined through the value added assessment provided for in subsection (g) of this section.

(B) The goal is for all school districts to have mean gain for each measurable academic subject within each grade greater than or equal to the gain of the national norms.



(C) If school districts do not have mean rates of gain equal to or greater than the national norms based upon the TCAP tests (or tests which measure academic performance which are deemed appropriate), each school district is expected to make statistically significant progress toward that goal. The rate of progress within each grade and academic course, necessary to maintain compliance with this section will be established after two (2) years of consecutive testing with tests adopted for each grade and subject, as provided in subsection (g) of this section. Schools or school districts which do not achieve the required rate of progress may be placed on probation as provided in subsection (c) of this section. If national norms are not available then the levels of expected gain will be set upon the recommendation of the Commissioner of Education with the approval of the State Board of Education.

(D) All schools within all school districts are expected to maintain appropriate levels of school attendance and dropout rates. The 1991-1992 school year is the base year for measuring levels of attendance and dropout rates. Schools which do not maintain appropriate levels, as set by the State Board of Education on the recommendation of the Commissioner of Education, may be placed on probation, as provided in subsection (c) of this section.

(E) There is a rebuttable presumption that if a school or school district has not achieved the goals pursuant to subdivisions (b)(2)(C) or maintained attendance and dropout rates pursuant to subdivision (b)(2)(D), it is out of compliance with the requirements of this section and subject to probation as provided for in subsection (c).

(c) With the approval of the State Board of Education, the Commissioner may place on probation any local school system or school that fails to meet the rules and regulations of the State Board of Education or the performance standards authorized by this section.

(d) Such probationary status shall not impair the credits earned by students in that school system or school.

(e) During the first year of probation, the State Department of Education will conduct a comprehensive study of the system. The study will include recommendations on how the school system can improve and meet the performance standards. If a system or school does not meet the standards in the first year, the system or school will remain on probation. If during the first or second year that a system or school is on probation the system meets or exceeds the performance standards, the Commissioner will cancel the probationary status. If after two

(2) consecutive years a system remains on probation, the Commissioner is authorized to recommend to the State Board of Education that both the local board of education and the superintendent be removed from office. If the state board concurs with the recommendation, the Commissioner shall order the removal of some or all of the board members and/or superintendent and shall declare a vacancy in the office or offices. Vacancies on the board shall be filled by the local legislative body until the next general election for which candidates have time, under law, to qualify and the candidate so elected qualifies to hold the office as provided by law or for the remainder of the term if no such election occurs during the remainder of the term. If the entire board of a special school district is removed, the Commissioner of Education shall appoint three (3) responsible citizens of the district to serve on the board, and they shall be authorized to appoint persons to fill the remaining vacancies. Any person selected to fill a vacancy shall serve the remainder of the term. Vacancies in the office of school superintendent shall be filled in accordance with the provisions of law. Any superintendent or board member removed under this section shall be ineligible for election or appointment to such office for the remainder of their term and for one (1) full term thereafter.

(f) (1) An appeal of the decision to remove a superintendent or board member shall be to chancery court of Davidson County.

(2) The chancellor's review shall be confined to whether or not the decision was made in accordance with the procedures authorized by this section.

- (g) (1) Value added assessment means:

(A) A statistical system for educational outcome assessment which uses measures of student learning to enable the estimation of teacher, school, and school district statistical distributions.

(B) The statistical system will use available and appropriate data as input to account for differences in prior student attainment, such that the impact which teacher, school and school district have on the educational progress of students may be estimated on a student attainment constant basis. The impact which a teacher, school, or school district has on the progress, or lack of progress, in educational advancement or learning of a student is referred to hereafter as the "effect" of the teacher, school, or school district on the educational progress of students.

(2) The statistical system shall have the capability of providing mixed model methodologies which provide for best linear unbiased prediction for the teacher, school and

school district effects on the educational progress of students. It must have the capability of adequately providing these estimates for the traditional classroom (one teacher teaching multiple subjects to the same group of students) as well as team taught groups of students or other teaching situations, as appropriate.

(3) The metrics chosen to measure student learning must be linear scales covering the total range of topics covered in the approved curriculum to minimize ceiling and floor effects. These metrics should have strong relationship to the core curriculum for the applicable grade level and subject.

(4) (A) On or before April 1, 1993, or on the effective date of this act, and annually thereafter, data from the TCAP tests, or their future replacements, will be used to provide an estimate of the statistical distribution of school district effects on the educational progress of students for grades three (3) through eight (8).

(B) On or before July 1, 1994, and annually thereafter, data from the TCAP tests, or their future replacements, will be used to provide an estimate of the statistical distribution of school effects on the educational progress of students for grades three (3) through eight (8).

(C) On or before July 1, 1995, and annually thereafter data from the TCAP tests, or their future replacements, will be used to provide an estimate of the statistical distribution of teacher effects on the educational progress of students within school districts for grades three (3) through eight (8). A specific teacher's effect on the educational progress of students may not be used as a part of formal personnel evaluation until data from three (3) complete academic years are obtained. Teacher effect data shall not be retained for use in evaluations for more than the most recent five (5) years. A student must have been present for one hundred fifty (150) days of classroom instruction per year or seventy-five (75) days of classroom instruction per semester before that student's record is attributable to a specific teacher. Records from any student who is eligible for special education services under federal law will not be used as part of the value added assessment.

(5) The estimates of specific teacher effects on the educational progress of students will not be a public record, and will be made available only to the specific teacher, the teacher's appropriate administrators as designated by the local board of education, and school board members.

(6) By not later than 1993, the development of subject matter tests will be initiated to measure performance of high school students in all academic subjects for which appropriate metrics can be obtained from group administered tests. These tests must reflect the complete range of topics covered within the list of state-approved textbooks for that subject. As soon as valid tests have been developed, the testing of students will be initiated to provide for value added assessment. Value added assessment shall be initiated in all academic subjects within secondary schools by 1998-1999 school year, and continued annually thereafter. Value added assessment may be initiated in non-academic subjects at such times as valid tests can be developed which effectively measure performance in such subjects.

(7) All tests used shall be fresh, non-redundant equivalent tests, replaced each year.

(8) As used in this act, "mixed model methodologies which provided for best linear unbiased prediction" or similar language setting forth the methodology used for evaluating measured progress of students, teachers, schools, or school districts, shall have the meaning and be interpreted as set forth in the following references:

1) "A Unified Approach to Mixed Linear Models", McLean, Sanders, and Stroup; The American Statistician, February 1991; Vol. 45, No. 1.

2) "Extension of the Gauss-Markov Theorem to Include the Estimation of Random Effects", Harville; The Annals of Statistics, 1976; Vol. 4, No. 2, 384-395.

3) "Analysis of Variance in the Mixed Model: Higher Level, Nonhomogeneous, and Random Regressions", Henderson; Biometrics, September 1982; No. 38, 623-640.

4) "Maximum Likelihood Approaches to Variance Component Estimation and to Related Problems", Harville; Journal of the American Statistical Association, July 1977; Vol. 72, No. 358.

5) "Approximations for Standard Errors of Estimators of Fixed and Random Effects in Mixed Linear Models", Kacker and Harville; Journal of the American Statistical Association, December 1984; Vol. 79, No. 388.

6) "The Analysis of Unbalanced Linear Models with Variance Components", Engel; Statistica Neerlandica, 1990; Vol. 44, No. 4.

(9) Any person found to have not followed security guidelines for administration of the TCAP test, or a

successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions, or otherwise compromising the integrity of the testing process shall be placed on immediate suspension and such actions will be grounds for dismissal, including dismissal of tenured employees. Such actions shall be grounds for revocation of state license.

SECTION 5. Tennessee Code Annotated is amended by adding the following new section to Title 49, Chapter 1, Part 2:

(a) The Commissioner of Education shall publish an annual report as of each October 1 which shall include, but not be limited to:

1) the results of state-conducted compliance and performance audits of local school systems;

2) value-added assessment as organized by class, schools, and local school systems;

3) school performance indicators including performance on the Tennessee Comprehensive Assessment Program (TCAP), dropout rates, numbers of waivers, local financial contribution to education, local wealth factors related to tax paying ability, and attendance rates, and others as adopted by the State Board of Education;

4) incentives and sanctions applied to local school systems;

5) exit assessments of high school graduates including college entrance exams, work readiness exams, and the TCAP minimum proficiency standards; and

6) a comparison of the Basic Education Program's components with the program components existing in each local school system during the reporting year.

(b) This report shall be distributed to:

1) the Governor;

2) the members of the General Assembly;

3) the members of the State Board of Education;

4) state and local news media;

5) local superintendents;

6) local boards of education;

7) presidents of state and local education associations;

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8) presidents of state and local school board associations;

9) state and local parent-teacher organizations;

10) county executives;

11) mayors;

12) local chambers of commerce; and

13) members of local legislative bodies.

SECTION 6. Tennessee Code Annotated, Section 49-2-101(1) (A), (B), and (C) are repealed.

SECTION 7. Tennessee Code Annotated, Section 49-2-203(a), is amended by deleting the first four (4) lines of subsection (1) and substituting instead the following:

(1) Elect, upon the recommendation of the superintendent, teachers who have attained or are eligible for tenure and fix the salaries of and make written contracts with such teachers;

SECTION 8. Tennessee Code Annotated, Section 49-2-203(a), is amended by adding the following new subdivisions:

( ) (1) Notwithstanding any other public or private act to the contrary, employ a director of schools under a written contract of up to four (4) years' duration, which may be renewed. Any such person transferred during the term of his contract shall not have his salary diminished for the remainder of the contract period. The board may dismiss the director for cause as specified in this section or in Chapter 5, Part 5 of this title, as appropriate. The director of schools may be referred to as the "superintendent" and references to or duties of the former county superintendents shall be deemed references to or duties of the director of schools employed under this section. The school board is the sole authority in appointing a superintendent.

(2) Notwithstanding the provisions of subdivision (1) of this subsection to the contrary, in those local education agencies where the director of schools or school superintendent is not currently appointed by the local board of education, the legislative body of any such county or municipality may, by a two-thirds (2/3) vote taken within one year of elections subsequent to the 1993 election and within one (1) year of subsequent elections, elect to retain the current method of appointing or electing such director or superintendent for an additional term of office or for a period of four (4) years, whichever is less.

(3) An election made pursuant to subdivision (2) of this subsection shall only be valid for one (1) term of office or four (4) years, whichever is less. If a legislative body wishes to retain its current method of appointing or electing the superintendent in a manner other than appointment by the local board of education for additional terms of office or four (4) year periods, it must elect to do so by a two-thirds (2/3) vote at least one (1) year prior to the commencement of each such term or four (4) year period.

(4) The provisions of subdivisions (2) and (3) of this subsection shall be operable only until September 1, 1996. After September 1, 1996, unless extended by the General Assembly, all superintendents shall be appointed by the local board of education, pursuant to this section.

(5) Nothing in this subsection shall be construed as authorizing a local education agency in which the director of schools or superintendent is currently appointed by the local board of education to alter or modify its current method of appointment.

SECTION 9. Tennessee Code Annotated, Section 49-2-206, is amended by deleting the word "county" wherever it appears in subsections (a), (b)(1), (b)(2), (b)(4), and (b)(5).

SECTION 10. Tennessee Code Annotated, Section 49-2-301(a)(1), is amended by deleting the words, "election pursuant to this section", and substituting instead the word, "employment".

SECTION 11. Tennessee Code Annotated, Section 49-2-301, is amended by deleting from subsection (g) the word "county".

SECTION 12. Tennessee Code Annotated, Section 49-2-301, is amended by deleting subsection (b)(2), (c), (d), and (h). The following new subsections (c), (d) and (h) are substituted:

(c) The office and position of county superintendent of public instruction is hereby abolished as of the effective date of this act but any incumbent holder of such office on the effective date of this act may continue to hold office and exercise the power of the term to which he or she was elected by the people or the county legislative body, or until there is a vacancy in the office, whichever occurs first.

(d) In place of the abolished office of county superintendent of public instruction, each local board of education is authorized to employ a director of schools, as provided for in Section 49-2-203, subject to requirements of law. This director of schools may be referred to as "superintendent" but all references to or duties or powers of the former county superintendents of public instruction shall be deemed to be references to or powers or duties of the director of schools. Failure to change a reference to "county

superintendent" to "superintendent" or "director of schools" shall not be deemed to continue to revive the former office of position of county superintendent, it being the intention herein to convert the former elected office of superintendent of public instruction to an administrative position filled by the applicable local board of education.

(h) (1) Notwithstanding the provisions of this section to the contrary, in those counties where the county superintendent of public instruction is not currently appointed by the local board of education, the legislative body of any such county may, by a two-thirds (2/3) vote taken within one year of elections subsequent to the 1993 election and within one (1) year of subsequent elections, elect to retain the current method of appointing or electing such superintendent for an additional term of office or for a period of four (4) years, whichever is less.

(2) An election made pursuant to subdivision (1) of this subsection shall only be valid for one (1) term of office or four (4) years, whichever period is less. If a county legislative body wishes to retain its current method of appointing or electing the superintendent in a manner other than appointment by the local board of education for additional terms of office or four (4) year periods, it must elect to do so by a two-thirds (2/3) vote at least one (1) year prior to the commencement of each such term or four (4) year period.

(3) The provisions of subdivisions (1) and (2) of this subsection shall be operable only until September 1, 1996. After September 1, 1996, unless extended by the General Assembly, all superintendents shall be appointed by the local board of education, pursuant to this section.

(4) Nothing in this subsection shall be construed as authorizing a county in which the school superintendent is currently appointed by the local board of education to alter or modify its current method of appointment.

(5) Any superintendent who is elected under this subsection and whose schools fail to meet the performance standards established in Chapter 1, Part 2, of this title, shall not thereafter be elected pursuant to this subsection but shall be appointed as provided in this chapter.

SECTION 13. Tennessee Code Annotated, Section 49-2-301, subsection (f), is amended by adding thereto the following new subdivisions:

(1) Employ, transfer, suspend, non-renew and dismiss all personnel within the approved budget, except as provided in Section 49-2-203(a)(1) and in Part 5 of Chapter 5 of this title.

(2) All persons who are employed in a position for which



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no teaching license is required shall be hired on a year-to-year contract. The superintendent shall provide a person who is employed in such a position fifteen (15) days' notice of nonrenewal of the contract before the end of the contract period.

(3) The superintendent may dismiss any employee under his jurisdiction for incompetence, inefficiency, insubordination, improper conduct or neglect of duty, provided that no one shall be dismissed without first having been given in writing, due notice of the charge or charges and an opportunity for defense.

(4) All actions of the superintendents or their designees shall be consistent with the existing board policies, rules, contracts and regulations.

SECTION 14. Tennessee Code Annotated, Section 49-2-302, is repealed.

SECTION 15. Tennessee Code Annotated, Section 49-5-510, is amended by deleting the words, "with the approval of the board," and the last sentence.

SECTION 16. Tennessee Code Annotated, Section 49-2-301(f), is amended by deleting subsection (12) and substituting instead the following:

(12) Assign teachers and educational assistants to the several schools.

SECTION 17. Tennessee Code Annotated, Section 49-2-303, is amended by deleting subdivision (a)(1) and substituting instead the following:

(a)(1) Each local superintendent shall employ principals for the public schools. The employment contract with each principal shall be in writing, shall not exceed the contract term of the current superintendent, and may be renewed. The contract shall specify duties other than those prescribed by statute and shall include performance standards and require periodic written evaluations by the superintendent to be conducted in the manner and with the frequency that he determines proper. Reasons for the non-renewal of a contract may include, but not be limited to, inadequate performance as determined by the evaluations. A principal who has tenure as a teacher shall retain all rights of such status, expressly including those specified in Section 49-5-510.

SECTION 18. Tennessee Code Annotated, Section 49-2-303, is amended by deleting subsection (b)(3) in its entirety and substituting instead the following:

(b)(3) Submit recommendations to the local superintendent regarding the appointment and dismissal of all personnel assigned to the school or schools under his care, and make decisions regarding the specific duties of all personnel

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assigned to the school or schools under his care; provided, however, that such duties of teachers shall be within their area of licensure and consistent with the policies, rules or contracts of the board of education;

SECTION 19. Tennessee Code Annotated, Section 49-5-401, is amended by deleting subsections (a) and (b) and substituting instead the following:

(a) All educators and other school personnel to be employed for the following school year shall be assigned to the several schools by May 15 next preceding the school year for which such persons are employed.

(b) If a sufficient number of educators and other personnel are not available for employment by May 15, the superintendent shall employ and assign to the several schools such educators and other personnel as are necessary to meet the needs and programs authorized by the board of education.

SECTION 20. Tennessee Code Annotated, Section 49-2-203(a)(7), is amended by deleting the word "Dismiss" and replacing it with the words, "Except as otherwise provided in this title, dismiss".

SECTION 21. Tennessee Code Annotated, Section 49-5-402, is amended by deleting from subsection (a) the symbol and numerals "Section 49-5-401" and substituting instead the words "this title".

SECTION 22. Tennessee Code Annotated, Section 49-5-406, is amended by adding the words "or superintendent, as appropriate," immediately after the phrase "local board of education" or "local board" wherever it appears.

SECTION 23. Tennessee Code Annotated, Section 49-5-407, is amended by adding the words "or superintendent" immediately after the phrase "local board of education" appearing in the first and second lines of subsection (a).

SECTION 24. Tennessee Code Annotated, Section 49-5-408, is amended by deleting the word "county" wherever it appears and substituting instead the words "superintendent or".

SECTION 25. Tennessee Code Annotated, Section 49-5-409(a), is amended by adding the words "or superintendent, as appropriate," immediately after the words "board of education".

SECTION 26. Tennessee Code Annotated, Section 49-5-5307, is amended by deleting subsection (b).

SECTION 27. Tennessee Code Annotated, Section 49-5-701, is amended by adding the following new sentence at the end of subsection (a): "Every LEA shall participate in the state leave plan as established in this part."

SECTION 28. Tennessee Code Annotated, Section 49-6-201, is

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amended by deleting the second sentence from subdivision (b)(1).

SECTION 29. Tennessee Code Annotated, Section 49-6-201, is amended by deleting subdivisions (b)(9) and (c) in their entirety and substituting in lieu thereof a new subsection (c) as follows:

(c) Each local education agency operating elementary schools under the laws of this state shall establish and maintain kindergarten programs in accordance with subsection (b) of this section and rules and regulations promulgated by the State Board of Education.

SECTION 30. Tennessee Code Annotated, Section 49-6-201, is amended by adding a new subsection (d) as follows:

(d) No child shall be eligible to enter first grade after July 1, 1993, without having attended an approved kindergarten program; provided, however, that a child meeting the requirements of the State Board of Education for transfer and/or admission, as determined by the state Commissioner of Education, may be admitted by a local education agency, notwithstanding any other provision or act to the contrary.

SECTION 31. Tennessee Code Annotated, Title 49, Chapter 2, Part 2, is amended by adding the following new section.

**49-2-2\_\_\_. School Based Decision Making.**

(a) Any local board of education may initiate a program of school based decision making and may designate areas including but not limited to management, curriculum, classroom management, professional development, and budget to be decided at the school by school personnel, including classroom teachers.

(b) Any board of education establishing a program of school based decision making shall define the procedures for implementation in its policies. Policies should recognize that school based decision making is a collaborative approach to planning and problem solving. Board policies may include guidelines for the participation of school personnel and others, including teachers, students, parents of students, and other persons in the local community.

(c) The board may permit such decisions as are made locally to be at variance with board policies. If such local decisions impact rules and policies of the State Board of Education or the Commissioner of Education, they shall be implemented pursuant to Section 49-1-207, except that there shall be no limit to the number of systems participating. No such local decisions shall have the effect of nullifying requirements of law.

SECTION 32. Tennessee Code Annotated, Section 49-6-6001, is amended by deleting the section in its entirety and by substituting instead the following new section:

49-6-6001. Graduation requirements.

(a) (1) To receive a full diploma upon graduation from high school, a student shall pass the Tennessee Comprehensive Assessment Program test as adopted by the State Board of Education, with scores established by the board and to take effect in school year 1993-94.

(2) The board shall adopt a certificate indicating attendance or less-than-satisfactory performance, which shall be presented to students who do not receive a passing score and are not eligible for a full diploma.

(b) Before graduation, every student shall take an exit examination adopted by the State Board of Education to assess his readiness for the workplace or higher education. There shall be no passing standards for this examination. The implementation date for this examination shall be established by the State Board of Education, but in no case shall it be later than the 1995-96 school year. The results of these examinations shall be shared with the Legislative Oversight Committee on Education.

(c) All tests developed or used to implement this section, all banks of questions, all field testing documents used as background for the development of the tests, and all answers shall be kept confidential when and for so long as is necessary to protect the integrity of the tests, and accordingly, are exempted from the requirements of Section 10-7-503.

SECTION 33. Tennessee Code Annotated, Section 49-2-202, is amended by deleting the second sentence of subsection (a)(5) and substituting instead the following:

The minimum requirements for this training shall be established by the State Board of Education and shall include an annual session for all board members. The Commissioner of Education may remove from office any local board member who fails to attend the annual training as prescribed by the State Board of Education.

SECTION 34. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following new section:

49-6-10\_\_ In order that every pupil for whom it is appropriate receive instruction in the use of computers sufficient to enable that pupil to communicate and participate in the twenty-first century, the State Board of Education shall require every candidate for a full high school diploma after September 1, 1994, to receive a full year of computer education at some time during his educational career. Pupils who transfer from another state to a Tennessee school during their senior

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year are exempt from this requirement.

SECTION 35. Tennessee Code Annotated is amended by adding the following new section to Title 49, Chapter 1, Part 2:

The Commissioner of Education shall develop and the State Board of Education shall approve a high school curriculum that will prepare students to be successful in the twenty-first century, including a two track high school curriculum, one for college bound and one for students entering the work force.

Such curricula shall be submitted to the joint oversight committee on education for its review and recommendation.

Any equipment or technology needed to prepare or equip classrooms for the twenty-first century curriculum shall be purchased and installed within ten (10) years of the date the Basic Education Program is fully funded.

SECTION 36. Tennessee Code Annotated, Title 49, Chapter 3, Part 12, is amended by adding the following new section:

49-3-1210 Any local board of education shall, by motion duly adopted, be authorized to participate in bond funds issued by the authority; provided, however, that such participation shall be pursuant to policies adopted by the authority and subject to all restrictions imposed by the authority.

SECTION 37. Tennessee Code Annotated, Section 49-1-104, is deleted and the following substituted in its place:

49-1-104 It is the intent of the General Assembly that every LEA move expeditiously and promptly towards the goals established in this section, and to that end, effective four (4) years from the date the Basic Education Program is fully funded, neither the commissioner nor the State Board of Education shall grant waivers from the maximum class sizes established in this section. Every public local school system shall have as a policy that pupil-teacher ratios should not exceed the averages prescribed in this section. In no school building shall the average size of any grade level unit prescribed herein exceed the stated average, though any individual class within that unit may exceed the average, provided that no class shall exceed the prescribed maximum size.

<u>Grade Level</u>	<u>Average</u>	<u>Maximum Class Size</u>
K-3	20	25
4-6	25	30
7-12	30	35
Vocational Education	20	25

Special Education shall be as prescribed by the State Board of Education and as deemed appropriate for the particular handicapping conditions.

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The average pupil teacher ratios in this section shall establish the minimum number of regular classroom teaching positions in a school exclusive of principal, assistant principal, counselor, elementary art, elementary music, elementary physical education, librarian, special education, or other specialized positions.

Class size limits may be exceeded in such areas as typewriting, instrumental, and vocal music classes provided that the effectiveness of the instructional program in these areas is not impaired.

No local school system shall establish split-grade classes for the purpose of complying with the provisions of this section. This amendment does not prevent schools systems from using transitional, ungraded and/or unstructured classes. No local school system shall establish split-grade classes for any purpose without the approval of the local board of education. The average size specified for the grade levels involved in split-grade classes will be the maximum size allowed in such classes, notwithstanding the maximum size otherwise allowed by this act.

SECTION 38. Tennessee Code Annotated, Title 49, Chapter 2, Part 2, is amended by deleting the word "county" from the title so that it reads: "Part 2--Boards of Education."

SECTION 39. Tennessee Code Annotated, Section 49-2-201, is amended by deleting the section and substituting the following instead:

49-2-201 (a) (1) Notwithstanding any other law to the contrary, there shall be a board of education elected by the people. Except in counties with a county charter or metropolitan government charter, the board of education shall consist of no more members than the number of members authorized by general law or private act for boards of education in existence on January 1, 1993, except during transition periods following district reapportionment. The members of the board of education shall be elected for a term of four (4) years, and may succeed themselves. For the first election held pursuant to this section, in order to establish staggered terms of office, the members from even-numbered districts shall be elected for a term of two (2) years, and the members of odd-numbered districts shall be elected for four (4) years. Members of county and municipal boards of education shall be residents of and elected from districts of substantially equal population established by resolution of the local legislative body. Members of special school district boards of education shall be elected according to special or private act, but shall be popularly elected on a staggered term basis. Vacancies occurring on the board shall be filled by the local legislative body. In special school districts, vacancies on the board arising from death or resignation shall be filled by the special school district school

board. Any person so appointed shall serve until a successor is elected and qualifies according to law. The successor shall be elected at the next general election for which candidates have a sufficient time to qualify under the law. All elections for school board members shall be conducted on a non-partisan basis, and no person seeking a position on a board shall campaign as the nominee or representative of any political party.

(2) Notwithstanding the four-year term set out in this section for school boards, any special school district with a different term established by private act shall retain the existing board term.

(b) (1) Notwithstanding the provisions of subsection (a), in those school systems operated by a county or municipality where the board of education for such system is not currently elected by the people, the legislative body may, by a two-thirds (2/3) vote, taken within one (1) year of elections subsequent to the 1993 election and within one (1) year of subsequent elections, elect to retain the current method of appointing or electing the board of education for such school system.

(2) An election made pursuant to subdivision (1) of this subsection shall only be valid for one (1) term of office or four (4) years, whichever is less. If the legislative body wishes to retain its current method of appointing or electing the school board in a manner other than as provided in subsection (a) for additional terms of office or four (4) year periods, it must elect to do so by a two-thirds (2/3) vote at least one (1) year prior to the commencement of each such term or four (4) year period.

(3) The provisions of subdivisions (1) and (2) of this subsection shall be operable only until September 1, 1996. After September 1, 1996, unless extended by the General Assembly, all boards of education shall be elected pursuant to this section.

(4) Any board that is appointed under this subsection and whose schools fail to meet the performance standards established in Chapter 1, Part 2, of this title, shall not thereafter be appointed pursuant to this subsection but shall be elected as provided in subsection (a).

(c) Only persons who are residents of the area served by a local education agency are eligible to serve on the school board in counties with populations of seven hundred thousand (700,000) or more according to the 1990 federal census or any subsequent federal census.

SECTION 40. Tennessee Code Annotated, Section 49-6-3004, is amended by deleting subdivisions (3) and (4) of subsection (a) and substituting instead the following:

(3) Five (5) days for in-service education;

(4) One (1) day for teacher-parent conferences; and

(5) Four (4) other days as designated by the local board of education upon the recommendation of the superintendent of schools.

SECTION 41. Tennessee Code Annotated, Section 49-6-3402, is amended by deleting subsection (a) and substituting instead the following:

(a) Local boards of education may establish alternative schools for students in grades one (1) through six (6) who have been suspended or expelled from the regular school program. At least one (1) alternative school shall be established and available for students in grades seven (7) through twelve (12) who have been suspended or expelled as provided in this part. In providing alternative schools, any two (2) or more boards may join together and establish a school attended by students of any such school system; furthermore, any board may by mutually acceptable agreement with another board send its suspended or expelled students to any alternative school already in operation. No student may graduate based solely on attendance in alternative schools.

SECTION 42. Tennessee Code Annotated, Section 49-1-302, is amended by adding thereto the following new subsection:

( ) The Commissioner of Education shall recommend and the board shall adopt rules permitting local boards of education to operate ungraded and/or unstructured classes in the primary grades, kindergarten through three (K-3). Operation of such classes under board rules shall not impair the LEA's participation in the Basic Education Program.

SECTION 43. Whenever any child shall be placed in the custody of the State of Tennessee or the education of the child shall become the state's direct responsibility for any reason, the Commissioner of Education shall pay to the state agency responsible for the child or as may be otherwise directed in the general appropriations act, an amount equal to the state funds plus the local funds which would otherwise be expended on the child had the child not been placed under state care. The total amount of such payments shall be deducted by the commissioner from the total state payments which would otherwise be made under this act to the local education agency which would be responsible for the child's education had the child not been placed under the state's direct responsibility.

SECTION 44. Tennessee Code Annotated, Section 8-27-303(a)(1)(A), is amended by adding the following sentence: "Effective July 1, 1992, each local education agency shall provide for any increased amounts needed for its eligible employees and their dependents, above the amount funded by the state for FY 1991-92, from funds appropriated for the Basic Education Program."



SECTION 45. Tennessee Code Annotated, Section 8-37-402(a)(2), is amended by adding the following sentence: "Effective July 1, 1992, each local education agency shall provide for any increased amounts needed for its teachers, above the amount funded by the state for FY 1991-92, from funds appropriated for the Basic Education Program."

SECTION 46. Tennessee Code Annotated, Section 8-38-116, is amended by adding the following sentence: "Effective July 1, 1992, each local education agency shall provide for any increased amounts needed for its teachers, above the amount funded by the state for FY 1991-92, from funds appropriated for the Basic Education Program."

SECTION 47.

(a) There is hereby established within the office of the comptroller an office of education accountability which shall monitor the performance of school boards, superintendents, school districts, schools, and school personnel in accordance with the performance standards set out in this act or by regulations of the State Board of Education.

(b) The office of education accountability shall be provided with information generated through the management information system provided for in Section 4 of this act, information gathered for the annual report provided for in Section 5 of this act, or any other information which it may require.

(c) The office of education accountability shall conduct such studies, analyses, or audits as it may determine to be necessary to evaluate education performance and progress, or as may be assigned to it by the governor or general assembly.

(d) The office of education accountability shall report its findings annually to the governor and the general assembly.

SECTION 48. Tennessee Code Annotated, Section 49-2-203, is amended by deleting subsection (a)(3) in its entirety and redesignating all subsections accordingly.

SECTION 49. Tennessee Code Annotated, Section 49-2-301, subdivision (f)(10), is deleted in its entirety and the following is substituted instead:

(10) Recommended to the board of education teachers who are eligible for tenure.

SECTION 50. Tennessee Code Annotated, Section 49-2-304, is amended by adding the words "or superintendent, as appropriate," immediately after the words "boards of education" or "board of education".

SECTION 51. Tennessee Code Annotated, Section 49-6-2101, is amended by deleting the first line in subsection (e) and

substituting instead the following:

"Superintendents, in employing school transportation personnel, and board of education, in contracting".

SECTION 52. Tennessee Code Annotated, Section 49-6-3006, is amended by adding the words "or superintendent, where appropriate", immediately after the words "board of education" in the first line of subsection (b).

SECTION 53. Tennessee Code Annotated, Title 49, Chapter 7, is amended by adding a new part thereto, as follows:

Section 49-7-2301. As used in this act, unless the context requires otherwise:

1) "Administering agency" means the Tennessee student assistance corporation.

2) "College or university" means a public college, university or technical institute operated under the authority of the University of Tennessee board of trustees or the State Board of Regents.

3) "Tuition" means any required registration, maintenance, course, credit, or other fees or charges the payment of which is required for admission to, attendance at, or graduation from a college or university.

Section 49-7-2302.

a) The administering agency shall make awards of non-repayable financial assistance, from funds appropriated for that purpose, on behalf of any student who enrolls in such a school to pursue an academic undergraduate degree, who applies therefor, and who meets all of the following qualifications:

1) Is a resident of Tennessee as defined by the Tennessee Higher Education Commission;

2) Has graduated within the two (2) years preceding the application from a high school with a minimum cumulative grade point average of three (3.0) calculated on a four (4.0) scale and is enrolling as a first-time freshmen;

3) Has successfully completed a core curriculum of high school coursework as defined by the Tennessee board of regents and the University of Tennessee and has met published admission standards of the admitting institution.

4) Has a composite score of at least twenty (20) on the enhanced version of the American College Test.

5) Has no criminal record, except for misdemeanor traffic violations; and

6) Is found to be in financial need as defined in Section 49-7-2304.

(b) To maintain eligibility once enrolled in college a student shall meet all of the following:

1) Make steady academic progress toward a degree, earning not less than the minimum number of hours of credit required for full-time standing in each academic period requiring such enrollment;

2) Maintain continuous enrollment for not less than two (2) semesters in each successive academic year, unless granted an exception for cause by the administering agency;

3) Have a cumulative grade point average of at least two and one-half (2.5) calculated on a four (4.0) scale at the end of the first term and thereafter maintain such a cumulative grade point average as evaluated at the end of each academic year;

4) Have no criminal record, except for misdemeanor traffic violations; and

5) Be found to be in financial need as defined in Section 49-7-2304.

Section 49-7-2303.

a) The provisions of this act shall be administered by the Tennessee student assistance corporation. The Tennessee Higher Education Commission is directed to adopt such rules and regulations as are necessary to implement the provisions of this act.

b) The Tennessee student assistance corporation shall provide for a mechanism for informing all students of the availability of the assistance provided pursuant to this act early enough in their schooling so that a salutary motivational effect is possible.

It is the legislative intent that this promise be conveyed in as clear as possible a manner to each child. The promise should be explicit that if a child meets the grade and ACT standard and stays out of trouble, his or her college tuition will be paid. It is also the legislative intent that the income levels that will qualify children for the benefits of this bill should be communicated annually in whole dollar amounts as they relate to the more common circumstances the majority of children face.

Section 49-7-2304. All awards under this act shall be based on the financial need of the student as measured by the parents' ability [or the student's ability if the student is emancipated and not receiving any financial assistance from parent(s) or guardian(s)] to contribute to the student's educational expenses, as determined by guidelines established by the administering agency. At the time of application, the student shall also apply for all other financial aid programs for which the student may be eligible. All other financial awards that the student is to receive shall be considered by the Tennessee student assistance corporation in measuring financial need. However, monies received by the student through federal, state, or private loan programs shall not be included in measuring financial need. All other sources of financial assistance available to the student excluding federal, state or private loan monies, shall first be applied toward meeting the student's financial need as determined by the administering agency. The maximum award shall not be greater than the total amount of tuition and mandatory fees charged by the institution attended. Financial need of less than one hundred dollars (\$100) shall render an applicant ineligible for an award.

b) Students shall have payments of their awards made directly to the institution.

c) Awards of student assistance shall be available for residents of the state generally, without regard to county or other area of residence, race, color, creed, sex or national origin or ancestry.

Section 49-7-2305. If the recipient of an award fails to comply with the rules of the Tennessee higher education commission with respect to the use of such assistance, or fails to attain the minimum level of achievement prescribed for the retention of the assistance, or fails to observe the rules, regulations or conditions prescribed or imposed by the institution, or for any reason is expelled or suspended from the institution attended or is absent without leave, the Tennessee student assistance corporation may, upon evidence, revoke the award, and the person holding the award shall not thereafter be entitled to further payment or benefits.

Section 49-7-2306. Applicants who are so eligible are encouraged to apply and participate in programs under the federal Job Training Partnership Act.

Section 49-7-2307. The administering agency may seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups as well as any federal or other governmental funding available for this purpose.

Section 49-7-2308. Implementation of the tuition payment program provided by this act shall be subject to the appropriation of funds for this purpose.

SECTION 54. Tennessee Code Annotated, Section 49-6-1006, is amended by adding the following language at the end of the existing sentence of subdivision (a):

The general assembly finds that the goal of curriculum shall include the history, the heritage, the culture, the experience and ultimate destiny of all social, ethnic, gender and national groups and individuals and that such are represented as interdependent, interactive and complimentary. The State Board of Education shall include multi-cultural diversity when developing frameworks and curriculum to be taught at appropriate grade levels kindergarten (K) through twelve (12).

SECTION 55.

(a) Local education agencies shall establish, pursuant to rules promulgated by the State Board of Education, a process by which to waive all school fees for students who receive free or reduced price school lunches.

(b) "School fees" are defined as:

(1) Fees for activities that occur during regular school hours;

(2) Fees for activities and supplies required to participate in all courses offered for credit or grade;

(3) Fees or tuition applicable to courses taken during the summer by a student; except that non-resident students regularly enrolled in another school system may be required to pay fees or tuition for such summer courses.

(4) Fees required for graduation ceremonies.

SECTION 56. Tennessee Code Annotated, Section 49-1-201(c), is amended by adding the following new subdivision, to be appropriately designated:

( ) To develop a system to monitor compliance with Tennessee Code Annotated, Section 49-6-1006, and to ensure that this legislative mandate is being followed.

SECTION 57. The State Board of Education is directed to establish a limit on local costs on special education and provide for state assumption of costs in excess of this limit.

SECTION 58. Tennessee Code Annotated, Section 49-2-201(c), is amended by adding the following new subdivision, to be appropriately designated:

( ) To construct an annotated bibliography of sources of information, materials, catalog, audiovisual aids and other activities about the contributions of African-Americans to the development of Tennessee, the United States and the World.

SECTION 59. Tennessee Code Annotated, Section 49-1-302(d), is amended by deleting the first sentence in its entirety and substituting instead the following:

The board shall develop, and provide to local education agencies, guidelines and criteria for the evaluation of all certificated persons employed by such agency; provided, however, that such mandatory criteria shall include, but not be limited to:

- (1) Classroom or position observation followed by written assessment;
- (2) Review of prior evaluations;
- (3) Personal conferences to include discussion of strengths, weaknesses and remediation; and
- (4) Other appropriate criteria including the Sanders model, related to the responsibilities of the employee.

SECTION 60. Tennessee Code Annotated, Section 49-1-302(d), is amended by redesignating the existing language as subdivision (1) and adding a new, appropriately numbered subdivision to read as follows:

( ) If a local education agency determines that it is necessary to assign an individual to teach in an area for which the individual is not endorsed, any evaluation conducted for the course outside the area of endorsement shall relate only to the improvement of teaching skills and strategies and not a determination of competency. The board shall include as a part of its evaluation guidelines a specific reference to this use of its evaluation procedures.

SECTION 61. During the 1992-93 fiscal year, the Commissioner of Finance and Administration, the State Department of Education and the State Board of Education shall conduct a study to determine the extent to which the cost of living in each county in the State of Tennessee varies from the statewide average. This study may incorporate any available statistics developed by the government of the United States of America or any local or private studies deemed useful or relevant. The study shall assign to each county in the State of Tennessee a numerical ratio which the cost of living in that county bears to the statewide average cost of living. The results of this study shall be presented to the Select Oversight Committee on Education prior to the end of the 1992-93 fiscal year. It is the intent of the General Assembly that the Basic Education Program (BEP) formula be adjusted pursuant to the findings of this study.

SECTION 62. This act shall not be applied so as to penalize any school system on the grounds that it is performing above the base requirements established by the State Board of Education for the approval of schools.

SECTION 63. Amend Tennessee Code Annotated, Section 49-1-102(c) in the first sentence by deleting the period and adding the phrase "or combination of counties."

And further amend Section 49-1-102 by adding the following as a new subsection:

( ) In the event the local public school system is a multi-county system, such system shall be administered by an elected nine (9) member board of education and a director appointed by the board.

SECTION 64. Tennessee Code Annotated, Title 49, Chapter 2, is amended by adding the following Sections 64 through 77 as a new part to be appropriately designated:

County boards of education, whenever they deem it advisable for the purpose of a more economical administration and the improvement of the efficiency of the schools, may combine with another county or counties to operate the schools of such counties as a single multi-county consolidated school system.

SECTION 65. (a) (1) In all counties in this state there may be created a unification educational planning commission, herein sometimes called "the commission".

(2) It is the duty of the planning commission to study and consider the need for and problems in conjunction with the consolidation of all county schools within the subject counties into a unified school system, and to make and file a written report as hereafter provided. If the report shall recommend such consolidation, it shall be accompanied by a proposed plan of consolidation, as hereinafter provided.

(b) (1) The county executive, the chairman of the county commission and the chairman of the board of education of each county may each appoint three (3) competent citizens as members of the planning commission.

(2) The names of all appointees, other than those made by the county executive, shall be certified by the county executive by the appointing authority.

(3) The county executive of one of the counties, which one shall be determined by mutual agreement of the counties, shall furnish the Commissioner of Education with a certified list of all members of the planning commission promptly after all appointments have been made.

(4) The certified list, together with the appointing officials who shall be ex officio voting members, shall constitute the planning commission, subject to the right of the appointing authorities thereafter to fill any vacancies which may subsequently occur.

(c) (1) Within thirty (30) days after the planning commission shall have been constituted, its members shall hold an organizational meeting at a time and place fixed by one of the county executives, which one to be determined by mutual agreement of the counties, with notice thereof to all members.

(2) The commission shall elect a chairman, a secretary and other officers as it deems necessary.

(3) Future meetings of the commission shall be held at such times and places as may be determined.

(d) (1) Members of the commission shall not receive per diem or other compensation for their services but shall be reimbursed for necessary expenses incurred by them.

(2) Such expenses and other necessary expenses of the commission shall be paid from funds appropriated therefore by the participating counties.

(e) (1) The commission shall make a comprehensive study of the need for, issues in, and problems of consolidation of the various county school systems.

(2) Such study shall be completed and a written report made and filed with the Commissioner of Education within one (1) year after the first meeting of the commission.

(f) (1) The commission shall be authorized to prepare a plan for the consolidation of such county school systems.

(2) Such plan as agreed upon by a majority of the commission shall be submitted to the Department of Education for appraisal.

(3) Such recommendations as that the department shall see fit to make shall be considered by the commission and the plan of consolidation may be revised in the light of such recommendations.

(g) (1) Before presentation of any proposed plan of consolidation to the department, the commission shall hold at least one (1) public hearing duly advertised at least one (1) week prior to such hearing in a newspaper or newspapers of general circulation in each of the counties involved.

(2) A record shall be kept of the public hearing in each county and a copy filed with the Department of Education.

(h) In developing any consolidation plan, the commission shall consider and provide for the following:



(1) Administrative organization of the proposed consolidated system;

(2) A method to ensure no diminution in the level of the educational service in the schools in any of the county systems involved;

(3) Appropriate means for the transfer of all assets and liabilities, including title to all school property real and personal, of the county systems to the consolidated system;

(4) Plan for disposition of existing bonded indebtedness which shall not impair the rights of any of the bond holders;

(5) Plans for the preservation of the existing pension rights of all teachers and nonteaching personnel in the respective systems;

(6) Plans for preserving the existing tenure rights, sick leave rights and salary schedule rights, of all teachers and nonteaching personnel in the respective systems;

(7) Appropriate plans for contributions by counties to the consolidated system for the operation of a unified system of schools during the period of transition following consolidation, which period shall not exceed three (3) years;

(8) Appropriate plans for reapportionment after each federal decennial census of districts for election of members of the consolidated school board; and

(9) Any other matter deemed by the commission to be pertinent.

SECTION 66. (a) Any plan of consolidation shall provide for a consolidated board of education, hereafter sometimes referred to as "the board" to be composed of nine (9) members whose terms of office shall be four (4) years.

(b) (1) The plan shall provide for the election of nine (9) board members by popular vote at the August general election, with the requirement that all of the board members be bona fide residents of particular districts and elected from such districts.

(2) Members elected at the regular August election shall take office on September 1, following their elections.

(3) The nine (9) districts shall be described by the plan, shall cover all of the counties, may cross county lines and shall be of substantially equal population.

(4) The districts shall be apportioned after every federal decennial census, so that members of the board may continue to be elected from districts of substantially equal population.

(5) The terms of the board members shall be so staggered as the plan may determine.

(c) Every consolidated board of education shall have all powers and duties conferred by general law upon county boards of education. The board is authorized to do all things necessary or proper for the establishment, operation and maintenance of an efficient and accredited consolidated school system.

SECTION 67. (a) (1) Any plan of consolidation shall provide that the consolidated board of education is authorized to designate a person experienced in public school management and supervision and possessing a license of qualification issued by the State Board of Education pursuant to Section 49-2-301 as the chief administrative employee of the board and enter into an employment contract with such person for a period not to exceed five (5) years and for compensation to be determined therein.

(2) The person so employed shall be designated "director of consolidated schools".

(3) The consolidated board of education is authorized to assign to the director such duties and responsibilities as are necessarily, usually or properly assigned to a county superintendent of schools.

SECTION 68. (a) (1) Where the planning commission has submitted a plan of consolidation to the Department of Education and has thereafter approved the plan, the proposed plan of consolidation shall be submitted to the governing bodies of the counties involved.

(2) Before taking action upon the proposed plan, each of the governing bodies shall hold at least one (1) public hearing duly advertised one (1) week or more prior to such hearing, in a newspaper or newspapers of general circulation throughout the county.

(3) Subsequent to such public hearing each governing body shall consider and act upon the proposed plan of consolidation at its next regular meeting.

(4) The governing body is authorized to:

(A) Approve the proposed plan of consolidation,  
or

(B) Disapprove the same.

(5) Where the governing bodies of all the counties have disapproved the proposed plan of consolidation, the

same shall be deemed rejected and finally disposed of.

(6) Whenever a plan of consolidation has been approved by all counties involved a copy of the plan of consolidation shall be delivered to the consolidated school board.

SECTION 69. Any consolidated board of education created under the provisions of this part shall have the authority to issue bonds as a separate and independent local government under the provisions of the "Local Government Public Obligations Act of 1986", Section 9-21-101 et. seq.

SECTION 70. Consolidated boards of education shall be subject to the audit provisions of Section 49-2-112.

SECTION 71. Prior to or in correspondence with the adoption of a multi-county school system the counties that adopt a multi-county school system shall adopt the same local option sales tax rate and distribute according to law.

SECTION 72. A multi-county school system created pursuant to the provisions of this act shall budget according to the provisions of the County Budgeting Law of 1957, Section 5-12-101 et. seq. Such school system shall follow the fiscal procedures of the County Fiscal Procedure Law of 1957, Section 5-13-101 et. seq. Such school system shall follow the purchasing process of the County Purchasing Law of 1957, Section 5-14-101 et. seq.

SECTION 73. To aid in the offset of the expenses incurred in the consolidation process the state shall supplement combining systems with a five percent (5%) funding bonus for the first five (5) years of the existence of the combined system. This five percent (5%) bonus shall be over and above the funds received from the state under Title 49. Funds distributed under Title 49 for administrative purposes shall continue to be distributed as if each school system were still separate entities.

SECTION 74. The Department of Education and the commissioner thereof is hereby vested with the following powers and duties respecting the consolidation of school systems as herein provided to:

(1) Formulate recommended policies and practices for conducting the consolidation programs;

(2) Develop suggested methods of procedure and a manual as guides for use by such planning commissions;

(3) Provide professional assistance in consolidation studies and development of consolidation proposals;

(4) Appraise reports of studies made by such planning commissions and to examine plans for consolidation, recommending changes or modifications where deemed desirable; and

(5) Afford financial assistance which may be required by counties in effecting consolidation, within limits of funds available for such purposes.

SECTION 75. (a) Any municipal or special school district within a county contemplating consolidation may participate in the consolidation process. Such municipal or special school district shall notify the county commission of their respective county of their wish to consolidate with the county systems.

(b) The chairman of the board of education of each municipal or special school district may appoint three (3) competent citizens as members of the consolidation planning commission. The chairmen of the respective boards of education shall be ex officio voting members of the commission.

(c) If the municipal or special school district wishes to withdraw from the consolidation process, it may do so at any time prior to submittal of the plan to the local governing bodies.

SECTION 76. (a) In addition to any other tax applicable to property located within the consolidated school district created pursuant to this part there shall be levied a property tax sufficient to fund the consolidated school district. The tax rate shall be set by the legislature by private act.

(b) The board of education of the consolidated school district shall have the authority to set the tax rate lower than that imposed by any private act setting a tax rate for the school district, but shall not have the power to impose a tax in excess of any statutory levy nor shall it have the power to lower any special levy assessed for the purpose of bond repayment. In order to change the rate of taxation the board must certify on or before September 1 to the county trustees the new school district tax rate not to exceed the rate imposed by the legislative act, and the county trustees shall collect the taxes based on the rates so certified.

SECTION 77. (a) This part is hereby declared to be remedial legislation to be liberally interpreted for the purpose of increased economy and efficiency in the operation of public schools and after any plan of consolidation herein provided for shall become effective, no officer or agency of any constituent school system shall retain any power or duty where such retention would be inconsistent with this part or with the plan of consolidation.

(b) Nothing in this part shall be construed to alter or repeal any other law prescribing methods and procedures, contractual, cooperative, unilateral or otherwise by which schools or school systems may be operated.

SECTION 78. Tennessee Code Annotated, Section 49-6-3001(c)(1), is amended by deleting the language "sixteen (16)" and by substituting instead the language "seventeen (17)".

SECTION 79. Tennessee Code Annotated, Section 49-6-3005(a), is amended by deleting the language "sixteen (16)" and by substituting instead the language "seventeen (17)".

SECTION 80. Tennessee Code Annotated, Section 49-6-3005(a)(4), is amended by deleting the language "fifteenth" and by substituting instead the word "seventeenth".

SECTION 81. Tennessee Code Annotated, Section 49-6-3001(c), is amended by inserting the following as a new subdivision (2) and by renumbering the existing subdivisions accordingly:

(2) The provisions of subdivision (c)(1) shall not apply to any child who:

(A) Has received a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state; or

(B) Is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state-approved institution or organization, or has obtained such certificate. Any institution or organization which enrolls a child who is under the age of eighteen (18) shall provide a report to the local board of education at least three (3) times each year relative to the progress of all such persons under the age of eighteen (18). If the local board of education determines any child under eighteen (18) is not making satisfactory progress, then such child shall be subject to the provisions of subdivision (c)(1).

(C) A student enrolled in a home school who has reached the age of seventeen (17).

SECTION 82. Tennessee Code Annotated, Section 49-1-302 is amended by adding a new subdivision (16) as follows:

(16) develop a professional credentialing program for school principals which shall include professional training and testing components. Local education agencies shall have the option of participating in the program; provided, however, that all school principals employed for the first time by local education agencies for the 1994-1995 school year shall have attended the program and shall have received the full credential offered through the program.

SECTION 83. Tennessee Code Annotated, Section 49-5-512, is amended in subdivision (a)(4) by deleting the semicolon at the end of subdivision (a)(4), substituting a period, and adding the following:

The teacher shall be allowed a full, complete, and impartial hearing before the board, including the right to have evidence deemed relevant by the teacher included in the record of the

hearing, even if objected to by the person conducting the hearing;

And further amend by adding the following new subdivision (a)(7) and redesignating present subdivisions (a)(7) and (8) to be subdivisions (a)(8) and (9):

(a)(7) A record of the hearing, either by transcript, recording, or as is otherwise agreed by the parties, shall be prepared, if the action of the board is appealed, and all actions of the board shall be reduced to writing and included in the record, together with all evidence otherwise submitted; Tennessee Code Annotated, Section 49-5-513(a), is amended by deleting the words "obtain a judicial review by filing a petition in the chancery court of the county where the teacher is employed" and substituting the words "petition for a writ of certiorari from the chancery court of the county where the teacher is employed".

Tennessee Code Annotated, Section 49-5-513(g), is amended by deleting the second sentence of subsection (g) and substituting the following:

The review of the court shall be limited to the written record of the hearing before the board and any evidence or exhibits submitted at such hearing. Additional evidence or testimony shall not be admitted except as to establish arbitrary or capricious action or violation of statutory or constitutional rights by the board.

SECTION 84. Tennessee Code Annotated, Section 49-3-306(5)(A)(v), is amended by adding the following sentence at the end: "Unless such funds are specifically appropriated for salary increases, no LEA shall increase salaries of existing personnel by using state funds appropriated for public education that have been allocated for new or additional positions."

SECTION 85. (a) Family resource centers may be established by any local education agency in order to coordinate state and community services to help meet the needs of families with children. Each center shall be located in or near a school. The local school board shall appoint community service providers and parents to serve on an advisory council for each family resource center. Parents shall comprise a majority of each advisory council.

(b) Upon approval by the Department of Education, classroom support and pupil contact funds may be expended by a local education agency to plan and implement a family resource center. The application for such approval shall identify a full-time director and other professional staff from the school and/or community which may include psychologists, guidance counselors, social workers, nurses, instructional assistants, and teachers. In establishing family resource centers, the department shall consult with the Departments of Health, Mental

Health and Mental Retardation, Human Services, and Youth Development.

(c) The Commissioner of Education is authorized to award grants of up to fifty thousand dollars (\$50,000) to local education agencies for the purpose of planning and implementing pilot family resource centers.

(d) Local education agencies with state approved family resource centers may be given priority in receiving additional state funding for:

- (1) formal parent involvement programs in elementary schools;
- (2) early childhood programs for children at-risk;
- (3) programs for parents with preschool at-risk children;
- (4) learning centers in urban housing projects;
- (5) programs in high schools for pregnant teenagers;  
and
- (6) "Jobs for Tennessee Graduates" in high schools.

SECTION 86. Tennessee Code Annotated, Section 49-2-301, is amended by adding the following new subsection:

( ) Any superintendent or director of schools who is elected by the people or the local legislative body after the effective date of this act must meet all qualifications otherwise prescribed by law or rule of the State Board of Education; however, notwithstanding anything in law or rule to the contrary, any superintendent or director of schools who is hereafter appointed by the local board of education elected by the general public is only required to have a baccalaureate degree.

SECTION 87. Tennessee Code Annotated, Section 49-1-207, is perpetuated and amended by deleting subsections (a), (b), and (e) and substituting instead the following:

(a) The Commissioner of Education may authorize up to eight (8) school systems or any part thereof to operate as alternative education programs which emphasize school-based decision-making. Upon authorization of the local board of education, the superintendent on behalf of the school system or the principal on behalf of an individual public school may apply to the Commissioner of Education, to operate the system or school in accordance with an alternative plan approved under this section by the Commissioner of Education. The Commissioner of Education, subject to approval by the State Board of Education, may award grants to individual school systems of up

to fifty thousand dollars (\$50,000), for local education agencies for planning and implementation purposes. The principal may be authorized by his performance contract to develop such a plan. Prior to his application, the principal shall consult with his faculty. Subject to the implementation and funding of the relevant federal program, additional individual schools which emphasize school-based decision-making may be approved.

(b) Such schools and systems shall be distributed throughout the state and not concentrated in any grand division. The Commissioner, in his discretion, may approve the entire alternative plan or any part of it.

(e) At any time before the end of an approved alternative plan, the school principal on behalf of his school or the local board of education acting through the superintendent may elect to terminate the alternative program and to return to operation under all applicable rules and regulations. The principal or the superintendent shall provide thirty (30) days' notice to the commissioner of such intent to withdraw from the alternative program.

Tennessee Code Annotated, Title 49, Chapter 3, Part 3, is amended by adding the following new section:

Section 49-3-3 (a) In addition to Basic Education Program funds otherwise available under this chapter, there is hereby authorized an additional fund for the purpose of establishing "break-the-mold" schools, contingent upon federal implementation of such schools. Such additional fund shall be subject to annual appropriation and may be supplemented or provided exclusively by federal funds appropriated for this purpose.

(b) Break-the-mold schools shall be public schools established in conformance with any federal program guidelines so as to be eligible to participate in the federal program. In addition, they shall achieve geographical, socioeconomic, and urban-rural diversity. Any such school, with local board approval, shall be entitled to all financial and support services available to other schools under the jurisdiction of the local board of education, including, but not limited to, teacher salary supplements, textbooks, pupil transportation, maintenance, and operation; however, the break-the-mold school shall not be subject to the rules and regulations or policies of either the state board of education or the local board of education.

(c) Each break-the-mold school shall be approved by the state commissioner of education according to a plan submitted on behalf of the school. This plan shall specify the management and governance of the school, its location, program descriptions, outcome objectives and reporting, admission policies, financial audits, assumption of liability, and



insurance coverage. Such school may be discontinued by the commissioner for failure to meet its approved plan, including pupil performance standards, or for failure to meet generally accepted standards of fiscal management or for violation of law.

(d) The local Board of education shall assist, where it is able, in providing space and facilities either within existing schools or in surplus space or buildings.

SECTION 88. Tennessee Code Annotated, Section 49-6-3104, is amended by deleting the existing language and replacing it with the following:

(a) Local boards of education may admit pupils from outside their respective local school systems without the approval of the LEA which the pupil previously attended up to two (2) weeks before the beginning of the school year in the LEA the pupil wishes to attend. Within two (2) weeks of the beginning of the school year and during the school year the approval of both the sending and the receiving LEAs is required. Local boards of education may also arrange for the transfer of pupils residing within their systems to schools located outside their districts, and enter into agreements with other local boards of education for the admission or transfer of pupils from one school system to another.

(b) State school funds shall follow the student into the school system to which he is transferring under this section.

(c) Tuition may be charged by a local school system to which a student transfers as provided in 49-6-3003.

(d) Subject to the restrictions in 49-6-3105, an adult pupil or the parent/guardian of a minor pupil may transfer the pupil to a school system outside the one serving his place of residence at the discretion of the receiving board of education.

(e) Each local board of education may permit adult students or the parents/guardian of a minor student to choose the school which the student is to attend. If the choice is for a school other than the one to which he is normally zoned, the student may be required to provide his own transportation.

(f) Transfers authorized by this section shall be exercised within the limitations of any existing court order or plan developed to comply with the state or federal constitution.

Tennessee Code Annotated, Section 49-6-3105, is amended by deleting the existing language and replacing it with the following:

A local board of education may, by action duly recorded in the board minutes, prescribe a date reasonably in advance of or after the opening of school for the filing of applications for transfer of nonresident pupils into that system and refuse to

consider applications filed after that date for the current year.

SECTION 89. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 90. This act shall take effect on July 1, 1992, except that any superintendent elected by the people or appointed by the local governing body and in office as of September 1, 1992, shall be allowed to complete the term to which he or she was elected or appointed, and Sections 6 through 26 are suspended until such time as the superintendent is appointed by the local board of education.

Rep. Purcell moved that the Report of the Conference Committee on House Bill No. 752 be adopted and made the action of the House.

Rep. Haun moved the previous question, which was objected to by Rep. Kernell, which motion failed by the following vote:

Ayes. . . . .	61
Noes. . . . .	32

Representatives voting aye were: Anderson, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Clark, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Dixon, Ferguson, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Joyce, Kent, Love, McDaniell, McKee, Moore, Napier, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Turner (Hamilton), Venable, Walley, West, Whitson, Windle, Winningham, Wix -- 61.

Representatives voting no were: Allen, Armstrong, Callicott, Chiles, Chumney, Coffey, Davis (Knox), DeBerry, Duer, Fowlkes, Halteman, Harrill, Hill, Holcomb, Jones R (Shelby), Jones U (Shelby), Kernell, King, Knight, McAfee, Meyer, Niceley, Nuber, Odom, Peroulas Draper, Robinson (Hamilton), Stamps, Tullos, Turner (Shelby), Williams (Shelby), Williams (Union), Wood -- 32.

Thereupon, Rep. Purcell renewed his motion to adopt the Report of the Conference Committee on House Bill No. 752 and make it the action of the House.

Rep. Buck moved the previous question, which motion failed by the following vote:

Ayes. . . . .	59
Noes. . . . .	34

Representatives voting aye were: Anderson, Arriola, Bittle,

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Bivens, Bragg, Buck, Byrd, Clark, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Joyce, Kent, McKee, Moore, Napier, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Tindell, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix -- 59.

Representatives voting no were: Allen, Armstrong, Callicott, Chiles, Chumney, Davis (Knox), DeBerry, Dixon, Duer, Halteman, Harrill, Hill, Holcomb, Jones R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Knight, McAfee, McDaniel, Meyer, Niceley, Nuber, Odom, Peroulas Draper, Robinson (Hamilton), Shirley, Sipes, Stamps, Tullos, Turner (Shelby), Williams (Shelby), Wood -- 34.

Rep. Kent moved the previous question, which motion failed by the following vote:

Ayes. . . . .	60
Noes. . . . .	33
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Clark, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Joyce, Kent, Love, McDaniel, McKee, Moore, Napier, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tindell, Turner (Hamilton), Venable, Walley, West, Whitson, Windle, Wix -- 60.

Representatives voting no were: Allen, Callicott, Chiles, Chumney, Coffey, Copeland, Davis (Knox), DeBerry, Dixon, Halteman, Harrill, Hill, Holcomb, Jones R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Knight, Liles, McAfee, Meyer, Niceley, Nuber, Odom, Peroulas Draper, Sipes, Stamps, Tullos, Turner (Shelby), Williams (Shelby), Williams (Union), Wood -- 33.

Representatives present and not voting were: Armstrong -- 1.

**PARLIAMENTARY INQUIRY**

Rep. DeBerry asked for a ruling of the chair as to whether it is appropriate to amend a Conference Committee Report.

**RULING OF THE CHAIR**

Since neither the House Rules nor Robert's Rules addresses the

issue of the appropriateness of amending the Conference Committee Report, the Speaker ruled that, on the basis of precedence, a Conference Committee Report may not be amended.

CONFERENCE COMMITTEE REPORT -- HOUSE BILL NO. 752, CONTINUED

Rep. King moved that the Conference Committee Report be reset to Message the Calendar for Wednesday, February 26, 1992.

Rep. Purcell moved to table the motion to reset, which motion prevailed by the following vote:

Ayes. . . . .	60
Noes. . . . .	34
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Clark, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Hargrove, Hassell, Haun, Head, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Kent, Kisber, Liles, Love, McAfee, McDaniel, Meyer, Napier, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Tindell, Turner (Hamilton), Venable, Walley, West, Whitson, Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 60.

Representatives voting no were: Allen, Armstrong, Callicott, Chumney, Coffey, Davis (Knox), DeBerry, Dixon, Halteman, Harrill, Herron, Holcomb, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, King, Knight, McKee, Moore, Niceley, Nuber, Odom, Peroulas Draper, Pruitt, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tullos, Turner (Shelby), Williams (Shelby), Williams (Union) -- 34.

Representatives present and not voting were: Gunnels, Sipes -- 2.

Rep. Severance moved the previous question, which motion prevailed by the following vote:

Ayes. . . . .	69
Noes. . . . .	25

Representatives voting aye were: Anderson, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Clark, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Joyce, Kent, Liles, Love, McKee, Meyer, Moore, Napier, Nuber, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Union), Windle, Wix -- 69.

Representatives voting no were: Allen, Armstrong, Chiles, Chumney, Copeland, Davis (Knox), DeBerry, Dixon, Duer, Halteman, Harrill, Jones R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Knight, McAfee, McDaniel, Niceley, Odom, Sipes, Turner (Shelby), Williams (Shelby), Wood -- 25.

Thereupon, Rep. Purcell moved that the Report of the Conference Committee on **House Bill No. 752** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes. . . . .	69
Noes. . . . .	22
Present and not voting. . . . .	6

Representatives voting aye were: Anderson, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Kent, Kernell, King, Kisber, Knight, Liles, Love, McKee, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Sipes, Tindell, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Winningham, Wix, Mr. Speaker Naifeh -- 69.

Representatives voting no were: Allen, Chiles, Copeland, Davis (Knox), Duer, Hargrove, Harrill, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, McDaniel, Meyer, Niceley, Severance, Shirley, Stamps, Turner (Shelby), Williams (Union), Windle, Wood -- 22.

Representatives present and not voting were: Armstrong, DeBerry, Dixon, McAfee, Pruitt, Tullos -- 6.

A motion to reconsider was tabled.

### REPORT REQUESTED

Upon the request of Rep. Chumney, Rep. Purcell agreed that the Basic Education Program Funding Formula be spread upon the Journal. The following report is a copy of the booklet presented to the Members of the General Assembly, January, 1992, and approved by the State Board of Education.

### Basic Education Program Funding Formula

This report identifies the Basic Education Program (BEP) components which are used to allocate formula funds to Tennessee schools. The components and the cost specifications for each component, as approved by the State Board of Education for 1992-93, are shown. The components include both operating and capital outlay costs.

The central feature of the BEP is the specification of essential components needed in our schools. These components serve as the basis for calculating the level of funding for each school system. Actual costs of the essential components are determined and monitored from year to year. Total costs are calculated by applying cost specifications to school census data.

The BEP school funding formula presents a logical replacement for the current inadequate funding procedures by specifying the components to be funded for schools and school systems; identifying the cost of each component; applying the cost specifications to each of Tennessee's 139 school systems and 1,653 schools; and equalizing responsibility among the local school systems based on variations in the cost of delivering services to students and in relative fiscal capacity.

The Board's judgment is that the BEP, with modifications contained in this year's recommended formula, will satisfy Court requirements if the BEP is enacted and fully funded by the June 30, 1992, deadline.

**CLASSROOM COMPONENTS**  
(State Share = 75%)

COMPONENT	FUNDING LEVEL
Regular Education	1 per 20 ADM K-3 1 per 25 ADM 4-6 1 per 30 ADM 7-9 1 per 26.5 ADM 10-12
Vocational Education	1 per 20 ADM
Special Education	(Caseload Allocations) Option 1 91 Option 2 73 Option 3 46 Option 4 25 Option 5 15 Option 6 2 Option 7 10 Option 8 6 Option 9 0 Option 10 10
Elementary Guidance	1 per 500 ADM K-6*
Secondary Guidance	1 per 350 ADM 7-12*
Elementary Art	1 per 525 ADM K-6
Elementary Music	1 per 525 ADM K-6

COMPONENT	FUNDING LEVEL
Elementary Physical Education	1 per 350 ADM K-4 1 per 265 ADM 5-6
Elementary Librarians (K-8)	.5 per school <265 ADM 1 per school 265-439 ADM 1 per school 440-659 ADM (+.5 assistant) 1 per school = >660 ADM (+ 1 assistant)
Secondary Librarians (9-12)	.5 per school < 300 ADM 1 per school 300-399 ADM 2 per school 1,000-1,499 ADM 2 per school = > 1,500 ADM (+1 per additional 750)
Substitute Teachers	\$20.75 per ADM
Instructional Assistants	1 per 75 ADM K-6
Special Education Assistants	1 per 60 students identified and served in Options 5, 7, 8
Principals	.5 per school < 225 ADM** 1 per school = > 225 ADM
Assistant Principals Elementary	.5 per school 660-879 ADM 1 per school 880-1,099 ADM 1.5 per school 1,000-1,319 ADM 2 per school = > 1,320 ADM
Assistant Principals Secondary	.5 per school 300-649 ADM 1 per school 650-999 ADM 1.5 per school 1,000-1,249 ADM 2 per school = > 1,250 ADM (1+ for every additional 250)
System-wide Supervisory Personnel	1 per < 500 ADM 2 per 500-999 ADM 3 per 1,000-1,999 ADM (+1 for every additional 1,000)
Special Education Supervisors	1 per 750 special education students identified & served
Vocational Education Supervisors	1 per 1,000 FTEADM vocational educational students
Special Education Assessment Personnel	1 per 600 special education students identified and served

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COMPONENT	FUNDING LEVEL
Social Workers	1 per 2,000 ADM*
Psychologists	1 per 2,500 ADM*
Nurses	1 per 3,000 ADM (minimum 1 per system)
K-3 At-Risk Class Size Reduction	For schools with > 60% of K-3 students on free/reduced lunch. (Federal Chapter I funds used in schools >75% of students on free/reduced lunch.) Provides additional number of teachers (plus funds for benefits needed to reduce class size in eligible schools from the 20:1 funding level to 15:1.
Alternative Schools	\$2.00 per ADM K-6 \$21.00 per regular ADM 7-12
Duty-Free Lunch	\$7.45 per ADM
Special Education Early Intervention	Allocated to systems to provide early intervention services to three-year-old children with disabilities. Actual allocations will be based on the count of identified and served children with disabilities, including three-year-olds. Funds for four-year-old children with disabilities are provided through counts of special education identified and served students.
Staff Benefits and Insurance	25% of BEP salary allocation per BEP position (licensed) 22 % of BEP salary allocation per BEP position (non-licensed)
Textbooks	\$36.00 per ADM
Classroom Materials & Supplies	\$26.00 per regular education student (ADM) \$128.00 per vocational



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	education student (number identified and served)
Instructional Equipment	\$9.00 per regular education student (ADM) \$90.00 per vocational education student (number identified and served)
Classroom Related Travel	\$2.00 per regular education student (ADM) \$19.00 per vocational education student (FTEADM) \$8.00 per special education student (number identified and served)
Vocational Center Transportation	Allocated to participating systems for transporting students (one way) between school of assignment and vocational center attended part of the day. Allocation based on the number of students transported and the distance between the schools. Gives students access to vocational programs at vocational centers.
Technology	Minimum of \$50,000 per system for two 21st Century Classrooms. Remainder allocated per ADM.

**SYSTEM SUPPORT  
(STATE SHARE = 50%)**

Superintendent	1 per county ***
System Secretarial Support	1 per system <500 ADM 2 per system 500-1,250 ADM 3 per system 1,251-1,999 ADM 3 per system => 2,000 (+1 for every additional 1,000)
School Secretaries	.5 per school <225 ADM 1 per school 225-374 ADM 1 per 375 ADM per school >375 ADM
Maintenance & Operations	100 square feet per K-4 ADM 110 square feet per 5-8 ADM

	130 square feet per 9-12 ADM Total sq ft x \$2.16/sq ft 60% of total is attributed to salaries; benefits and insurance at 22% are included. One custodian per 19,391.3 calculated square feet; benefits and insurance at 22% are included for custodians.
Non-Instructional Equipment	\$12.00 per ADM
Pupil Transportation	Allocated through formula established by Commissioner of Education. Amount per system based on number of pupils transported, miles transported, and density of transported pupils per route mile.
Staff Benefits and Insurance	25% of BEP salary allocation per superintendent 22% of BEP salary allocation per BEP position (non-licensed)
Capital Outlay	100 square feet per K-4 ADM x \$55/sq ft 110 square feet per 5-8 ADM x \$56/sq ft Add 10% to base construction cost for equipment. Add 5% to base construction cost for architect's fee Add debt service (20 years@ 7%). Divide total by 40 years (useful life) to calculate annual capital outlay.

#### SALARIES USED IN CALCULATING ALLOCATIONS

##### Teachers and Other Licensed Personnel

The BEP allocation for salaries for each school system is based on:

- The number of each type of position generated by the cost component formulas.
- The actual average salary for licensed personnel in that school system, based on the state salary schedule (including the Training and Experience factor and the mandated salary supplement of \$1,445).

- c. Average annual superintendent salary = \$63,000 per county.

Other Personnel

- a. Average substitute teacher pay = \$45 per day.
- b. Average annual library/instructional assistant salary = \$12,500.
- c. Average annual custodian salary = \$12,500.
- d. Average annual school secretary salary = \$17,000.
- e. Average annual system secretary salary = \$21,000.

**COST DIFFERENTIAL FACTOR**

Since there are variations in the cost of operations to deliver comparable services in different parts of the state, this factor is included so higher costs in certain areas do not result in a lower level of service being provided to students. The index is based on wages paid in a county in different sectors of employment, in relationship to the statewide average. Systems whose index is lower than 1.00. Systems whose index is higher are assigned their calculated index. The index is applied to BEP personnel costs (wages and benefits) calculated for each system and added to the BEP allocation for classroom components and system support, respectively.

**FISCAL CAPACITY**

Fiscal capacity is calculated using a methodology developed by the Tennessee Advisory Commission on Intergovernmental Relations (TACIR). Each county's fiscal capacity is calculated as a percentage of the total capacity of all counties in the state. A proportionate share of the costs of the BEP is assigned to each school system based on its county's relative capacity. The capacity calculations are based on sales tax base, property tax base, and income.

**FOOTNOTES**

- \* If a system within a county having more than one system does not have enough pupils to qualify for a position, the relevant county totals are used and each system receives a pro rata share based on its proportion of total relevant enrollment. If county totals are not sufficient to generate a position, the county is allocated one position and each system is allocated a pro rata share of the time of that individual based on its proportion of the relevant enrollment.
- \*\* Elementary schools with fewer than 100 ADM are not allocated a principal.
- \*\*\* One superintendent is allocated for each county. If there is more than one school system in a county, each system receives a pro rata share based on its proportion of total county ADM.

**RULES SUSPENDED**

Rep. Kisber moved to suspend **Rule No. 44** (the prefile rule) so that House Bill No. 2409 may be considered introduced, passed first consideration out of order, which motion prevailed.

**\*House Bill No. 2409** -- Election Laws -- Adds Loudon County to list of counties with computerized voter registration system, which are authorized to provide printout at each polling place if requested by county legislative body by two-thirds vote. Amends TCA 2-5-216. by \*Kisber, \*Sipes.

He further moved that the **Rule No. 81(1)** be suspended so that the bill can be heard next week in subcommittee and then in full Committee on the same day, which motion prevailed.

**RULES SUSPENDED**

Rep. Bragg moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that revenue bills can be heard by the Finance, Ways and Means Committee, Tuesday, February 25, 1992, which motion prevailed, with the Speaker requesting to be recorded as voting no.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Wednesday, February 26, 1992:

**House Joint Resolution No. 119:** Rep. Armstrong.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 231:** Rep(s). Kent as prime sponsor(s).

**House Bill No. 1759:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 1760:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 1761:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 2003:** Rep(s). Coffey as prime sponsor(s).

**RULES SUSPENDED**

Rep. Purcell moved to suspend **Rule No. 44** to allow all bills

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filed by 4:30 p. m., Wednesday, February 26, 1992, [tenth legislative day] to be considered introduced and passed first consideration, which motion prevailed.

**INTRODUCTION OF RESOLUTIONS**

On motion, the resolution(s) listed was/were introduced and referred as noted:

**House Joint Resolution No. 0496** -- Memorials, Sports -- Thomas "Tommy" Hickox. by \*Byrd.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0497** -- Memorials, Personal Achievement -- Jameson Robert Abart, Eagle Scout. by \*Byrd.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0498** -- Memorials, Death -- Charles Glenn Hashe. by \*Haun.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0500** -- Memorials, Congress -- Urges proposing amendment to U.S. constitution setting federal income tax at 10 percent of earned income. by \*Joyce.

Referred by the Speaker to the Finance, Ways and Means Committee.

**\*House Joint Resolution No. 0501** -- Memorials, Government Officials -- Directs comptroller to conduct or have conducted audit of personnel systems of University of Tennessee, State University and Community College System and department of education. by \*Davis J K, \*Niceley, \*Sipes.

Referred by the Speaker to the Education Committee.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

**Senate Joint Resolution No. 0345** -- Memorials, Death -- Mary Roberts Cole.

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0346** -- Memorials, Personal Occasion -- Mother Ella Malone, 100th Birthday.

Referred by the Speaker to the Calendar and Rules Committee.

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**Senate Joint Resolution No. 0347** -- Memorials, Congratulations -- City of Germantown, sesquicentennial celebration.

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0348** -- Memorials, Recognition and Thanks -- Tennessee County Veterans Service Officers Association.

Referred by the Speaker to the Calendar and Rules Committee.

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred as noted:

**\*Senate Joint Resolution No. 0324** -- Memorials, Congress -- Expresses opposition to shifting of financial responsibilities for federal programs from federal government to state.

Referred by the Speaker to the Finance, Ways and Means Committee.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 2353** -- Mines, Mining -- Abolishes board of examiners of mines; places duties under department of labor. Amends TCA, Title 59. by \*Kernell.

Passed first consideration.

**\*House Bill No. 2354** -- Election Laws -- Adds London County to list of counties with computerized voter registration system, which are authorized to provide printout at each polling place if requested by county legislative body by two-thirds vote. Amends TCA 2-5-216. by \*Gunnells.

Passed first consideration.

**House Bill No. 2355** -- Motor Vehicles -- Authorizes solid waste transporters to park on road as necessary to collect solid waste from customers. Amends TCA, Title 55, Ch. 8. by \*Buck, \*Napier, \*Collier, \*Davis R E, \*Crain, \*Rinks, \*Hassell.

Passed first consideration.

**House Bill No. 2356** -- Driver Licenses -- Reduces experience requirement from three to two years and age requirement from 19 to 18 to receive for hire endorsement for Class D vehicle license. Amends TCA, Title 55, Ch. 50. by \*Rinks, \*Head, \*Johnson, \*Ferguson, \*Ridgeway, \*Windle, \*Anderson, \*Sipes, \*Meyer, \*Cole, Buck.

Passed first consideration.

**\*House Bill No. 2357** -- District Attorneys -- Provides that assistant district attorneys general employed between June 30, 1980 and June 30, 1989, receive equal compensation with such assistants employed after June 30, 1989. Amends TCA 8-7-201. by \*Cole, \*Johnson.

Passed first consideration.

**\*House Bill No. 2358** -- Motor Vehicles -- Requires annual registration fee for freight trailers, semi-trailers and pole trailers of \$50.00; excuses those vehicles having permanent registration as of effective date of bill until such time as ownership of vehicle changes. Amends TCA 55-4-113. by \*Crain.

Passed first consideration.

**House Bill No. 2359** -- Copperhill -- Enacts new charter. Repeals Chapter 93, Private Acts of 1913, as amended. by \*Harrill.

Passed first consideration.

**House Bill No. 2360** -- Public Service Commission -- Places employees who are not division directors under civil service system. Amends TCA, Title 8, Ch. 30; Title 65. by \*Joyce.

Passed first consideration.

**House Bill No. 2361** -- Professions and Occupations -- Defines certain terms pertaining to industrial hygiene; provides for registration of industrial hygienists; prohibits state agencies from prohibiting or restricting, by rule, practice of industrial hygiene by duly registered industrial hygienists. Amends TCA, Title 4, Ch. 3, Pt. 14; Titles 62, 63. by \*Peroulas Draper, \*Bittle.

Passed first consideration.

**House Bill No. 2362** -- Claiborne County -- Places certain restrictions on sale of fireworks. by \*Cross.

Passed first consideration.

**\*House Bill No. 2363** -- Water Pollution -- Provides for promulgation and enforcement of forestry best management practice rules; mandates compliance beginning two years after effective date of such rules. Amends TCA, Title 69, Ch. 3, Pt. 1. by \*Odom.

Passed first consideration.

**\*House Bill No. 2364** -- Professions and Occupations -- Transfers provisions of the Electrologists Practice Act from Title 62 to Title 63. Amends TCA, Title 62, Ch. 34; Title 63. by \*Odom.

Passed first consideration.

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**House Bill No. 2365** -- Sequatchie County -- Authorizes legislative body to levy tax on privilege of being married on courthouse grounds. by \*Rhinehart.

Passed first consideration.

**\*House Bill No. 2366** -- Energy -- Requires operator of high-voltage line to notify owner of line of work plans. Same as SB 2520. Amends TCA 68-21-105. by \*Rhinehart.

Passed first consideration.

**\*House Bill No. 2367** -- Licenses -- Exempts electrologists practicing in physician's office from requirements for licensure. Amends TCA, Title 62, Ch. 34, Pt. 2. by \*Hill.

Passed first consideration.

**House Bill No. 2368** -- Medicare and Medicaid -- Establishes penalty for fraudulently obtaining benefits or payment for medical assistance as Class E felony. Amends TCA, Title 71, Ch. 5, Pt. 1. by \*Arriola.

Passed first consideration.

**House Bill No. 2369** -- Medical Occupations -- Removes on-site supervision requirement for practice by physical therapist pending receipt of permit. Amends TCA 63-13-305. by \*Arriola.

Passed first consideration.

**House Bill No. 2370** -- Davidson County -- Deletes requirement that county court clerk serve as clerk of probate court; substitutes circuit court clerk. Amends Chapter 124, Private Acts of 1963, as amended. by \*Purcell, \*West, \*Halteman, \*Love, \*Garrett, \*Odom, \*Clark, \*Pruitt, \*Robinson Robb, \*Arriola, Chiles.

Passed first consideration.

**House Bill No. 2371** -- Water Pollution -- Directs water quality control board to establish and set criteria for "Outstanding Natural Resource Water" classification. Amends TCA, Title 69, Ch. 3. by \*Bittle, \*Williams M, \*Gunnels, \*Callicott, \*Anderson, \*Severance, \*Peroulas Draper, \*Davis R E, \*Coffey, \*McDaniel, \*Cross, \*Jackson, \*Givens, \*Joyce, Armstrong, Duer, Tindell, Davis J K, Turner L.

Passed first consideration.

**House Bill No. 2372** -- Courts, Juvenile -- Excludes nonjudicial days from time for child to petition criminal court to determine acceptance of jurisdiction if child found by juvenile court should be tried as adult; provides child be treated as adult in all criminal charges; terminates juvenile court jurisdiction. Amends TCA 37-1-134, 159. by \*Williams K.

Passed first consideration.



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**\*House Bill No. 2373** -- DUI/DWI Offenses -- Changes BAC test fee in Knox, Davidson and Shelby counties from \$17.50 to up to \$50; changes fee for executing leading process or making arrests in criminal cases in Hamilton, Knox, Davidson and Shelby counties from \$15 to up to \$50, as determined by county legislative bodies. Amends TCA, Titles 8, 40, 55. by \*Garrett.

Passed first consideration.

**House Bill No. 2374** -- Psychologists -- Establishes committee on psychology examiners. Amends TCA, Title 63, Ch. 11. by \*Garrett.

Passed first consideration.

**House Bill No. 2375** -- Bail, Bail Bonds -- Increases maximum amount bondsmen required to pay from \$500 to \$1,000 when persons covered under bond fail to appear in court as scheduled. Amends TCA 40-11-145, 146. by \*Buck, Byrd.

Passed first consideration.

**\*House Bill No. 2376** -- Election Laws -- Requires voting machines to be sealed with prenumbered instead of numbered metal seals in preparation of machines for election; authorizes placement of counting board at location other than courthouse. Amends TCA 2-6-116, 2-9-105. by \*Holt.

Passed first consideration.

**\*House Bill No. 2377** -- Insurance, Liability -- Prohibits insurer of governmental entity from asserting defense of sovereign immunity to avoid liability of claims. Amends TCA, Title 29. by \*Davis J K.

Passed first consideration.

**House Bill No. 2378** -- Appropriations -- Requires judicial branch budget and appropriations bill be separate to include district attorney general and public defender; requires funding of judicial branch no less than 1990-1991 fiscal year. by \*Buck, \*Hargrove, \*Davis J K, \*Clark, \*Stamps, \*Venable, \*Williams K, \*Chumney, \*Turner B.

Passed first consideration.

**House Bill No. 2379** -- State Prisoners -- Requires inmate to pay incarceration cost; gives credit as work time time spent attending school; permits department to retain up to 80 percent of net wages to defray cost of incarceration, upon release, must provide accounting; allows process for inmate to avoid such obligation. Amends TCA, Titles 40, 41. by \*Davis J K, \*Sipes, \*Niceley.

Passed first consideration.

**House Bill No. 2380** -- Psychologists -- Expand duties of

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psychological examiners; provides for designation as health service providers. Amends TCA, Title 56, Ch. 7; Title 63, Ch. 11. by \*Hill.

Passed first consideration.

**House Bill No. 2381** -- Alcoholic Beverages -- Makes Knox County as "Class B county" for beer sales purposes. Amends TCA 57-5-104. by \*Hill, \*Peroulas Draper.

Passed first consideration.

**House Bill No. 2382** -- Attorneys at Law -- Grants immunity from liability for malpractice resulting from ordinary negligence to the state and attorneys appointed to represent, without compensation, indigent criminal defendants. Amends TCA, Title 23. by \*Hill, \*Peroulas Draper.

Passed first consideration.

**\*House Bill No. 2383** -- Highway Signs -- "Harold E. Weakley Memorial Bridge," Davidson County. by \*Arriola.

Passed first consideration.

**\*House Bill No. 2384** -- Vocational Training and Rehabilitation -- Allows private or home school students to attend vocational programs at public schools without payment of tuition. Amends TCA, Title 49, Ch. 11. by \*King.

Passed first consideration.

**House Bill No. 2385** -- Budget Procedures -- Authorizes appropriations from natural resources trust fund for Tennessee Flora Project. Amends TCA, Title 11, Ch. 14. by \*Curlee.

Passed first consideration.

**House Bill No. 2386** -- Sunset Laws -- State capitol commission, June 30, 2000. Amends TCA, Title 4, Chs. 8, 29. by \*King, \*Kernell, \*Garrett.

Passed first consideration.

**House Bill No. 2387** -- Sunset Laws -- Council on pensions and retirement, June 30, 2000. Amends TCA, Title 3, Ch. 9; Title 4, Ch. 29. by \*King, \*Kernell, \*Garrett.

Passed first consideration.

**House Bill No. 2388** -- Sunset Laws -- State board of equalization, June 30, 2000. Amends TCA, Title 4, Chs. 3, 29; Title 67, Chs. 1, 5. by \*King, \*Kernell, \*Garrett.

Passed first consideration.

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**House Bill No. 2389** -- Celina -- Changes election date for mayor and three aldermen from June 1991 to June 1993. Amends Chapter 90, Private Acts of 1991. by \*Winningham.

Passed first consideration.

**House Bill No. 2390** -- Insurance, Health, Accident -- Provides for insurance policy reimbursement for services rendered by marital and family therapists and professional counselors if policy provides for reimbursement for such services when rendered by psychiatrists. Amends TCA, Title 56, Ch. 7, Pt. 1. by \*Holcomb.

Passed first consideration.

**House Bill No. 2391** -- Employees, Employers -- Repeals prohibition on hiring employee of another. Repeals TCA 50-1-101. by \*Ridgeway.

Passed first consideration.

**House Bill No. 2392** -- Insurance, Health, Accident -- Sets forth the loss ratio guarantee which must be complied with in order to determine if insurance premiums accurately reflect the benefits provided. Amends TCA 56-26-102. by \*Jackson.

Passed first consideration.

**House Bill No. 2393** -- Dentists -- Requires dentists and dental hygienists to complete minimum of 18 and maximum of 30 continuing education classes; adds to peer review committee authority to evaluate personal conduct relating to performance of professional duties. Amends TCA 63-5-107, 131. by \*Jackson.

Passed first consideration.

**House Bill No. 2394** -- Teachers -- Authorizes local boards of education to require teacher applicants to submit to background check to verify criminal offenses and to submit to fingerprint check; requires local boards to assume TBI costs for investigations. Amends TCA, Title 38, Ch. 6, Pt. 1; Title 49, Ch. 5. by \*Jackson.

Passed first consideration.

**House Bill No. 2395** -- Highway Signs -- "Joe Vinson Cates Memorial Bridge," Rutherford County. by \*Bragg.

Passed first consideration.

**House Bill No. 2396** -- Arbitration -- Enacts plan to minimize strikes by employees of municipal corporations; requires municipal corporations to bargain with employee associations; provides voluntary arbitration for employees of municipal fire departments. by \*West.

Passed first consideration.

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**House Bill No. 2397** -- Criminal Offenses -- Revises collection of fines, costs and litigation taxes. Amends TCA 40-24-105. by \*Davis J K.

Passed first consideration.

**House Bill No. 2398** -- Motor Vehicles -- Enacts "Automobile Theft Prevention Act of 1992". Amends TCA, Titles 55, 56. by \*Herron.

Passed first consideration.

**\*House Bill No. 2399** -- Auditing -- Clarifies responsibility for payment of auditing and accounting services. Amends TCA 9-3-212. by \*Bragg.

Passed first consideration.

**House Bill No. 2400** -- Solid Waste Disposal -- Establishes uniform financial accounting system for each county, solid waste authority and municipality relating to management of solid waste; prohibits release of state funds unless activities accounted for in special fund. Amends TCA 68-31-874. by \*Bragg.

Passed first consideration.

**House Bill No. 2401** -- Accountants -- Revises composition of state board of accountancy. Amends TCA, Title 62, Ch. 1, Pt. 1. by \*Bragg.

Passed first consideration.

**House Bill No. 2402** -- Budget Procedures -- Establishes criteria for publication of annual county operating budget and budgetary comparisons. Amends TCA 5-8-507; Title 6, Ch. 2, Pt. 1; Title 6, Ch. 22, Pt. 1; Title 6, Ch. 35, Pt. 3. by \*Bragg.

Passed first consideration.

**House Bill No. 2403** -- Driver Licenses -- Prohibits persons convicted of offenses who have not paid fines from obtaining driver license; authorizes clerk of convicting court to notify department of safety of fines and fees 30 days delinquent. Amends TCA 55-50-303. by \*Hargrove.

Passed first consideration.

**House Bill No. 2404** -- Juries and Jurors -- Removes voter registration list as source of juror names; requires persons exempt from jury service based on occupational exemption, after receiving summons, to notify clerk what 30 day period during next 12 months will be able to serve. Amends TCA, Title 22. by \*Hargrove.

Passed first consideration.

**SENATE BILLS ON FIRST CONSIDERATION**

On motion, the bills listed were introduced and passed first consideration:

**\*Senate Bill No. 1776** -- Courts -- Authorizes clerk of any state, county, or municipality to collect fees, fines or court costs by credit card.

Introduced; passed first consideration.

**\*Senate Bill No. 1803** -- Alcoholic Beverages -- Lowers minimum seating requirement from 75 to 40 for wine only restaurants; lowers bond requirement to same 20 percent rate as privilege tax. Amends TCA 57-4-101, 57-4-302.

Introduced; passed first consideration.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

**\*Senate Bill No. 1654** -- Taxes, Real Property -- Revise provisions of Greenbelt Law. Amends TCA, Title 67, Ch. 5, Pt. 10. (HB 1967).

Held on the Clerk's desk pending third consideration of companion House Bill.

**\*Senate Bill No. 1675** -- Taxes, Real Property -- Authorizes county trustee in Knox County to permit retired persons over 65 to pay real estate taxes in quarterly payments; authorizes county trustee to prescribe terms and conditions of payments. Amends TCA 67-5-1807. (HB 1735).

Held on the Clerk's desk pending third consideration of companion House Bill.

**\*Senate Bill No. 1677** -- Motor Vehicles -- Authorizes special license plates for popularly elected municipal court judges. Amends TCA, Title 55, Ch. 4. (HB 1749).

Held on the Clerk's desk pending third consideration of companion House Bill.

**\*Senate Bill No. 1737** -- Zoning -- Establishes procedure for calling election on county zoning question. Amends TCA, Title 13, Chs. 3, 7. (HB 1877).

Held on the Clerk's desk pending third consideration of companion House Bill.

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**\*Senate Bill No. 1743** -- Alcoholic Beverages -- Removes United States citizenship requirement for licensure. Amends TCA 57-3-210, 57-5-103, 105. (HB 2250).

Held on the Clerk's desk pending third consideration of companion House Bill.

**\*Senate Bill No. 1760** -- Public Officials -- Changes filing date for amended disclosure statement from January 15 to January 31; requires persons filing conflict of interest statements to have at least one attesting witness sign form. Amends TCA, Title 8, Ch. 50, Pt. 5. (HB 2080).

Held on the Clerk's desk pending third consideration of companion House Bill.

**\*Senate Bill No. 1965** -- Alcoholic Beverages -- Authorizes sale of liquor by the drink at public aquarium in Hamilton County; establishes \$300 privilege tax. Amends TCA, Title 57, Ch. 4. (HB 2261).

Held on the Clerk's desk pending third consideration of companion House Bill.

**\*Senate Bill No. 1987** -- Taxes, Alcoholic Beverages -- Removes obligation to place identification stamp on alcoholic beverage containers; requires retailer to possess tax documentation; sets criteria for contraband. Amends TCA, Title 57. (HB 2251).

Held on the Clerk's desk pending third consideration of companion House Bill.

**\*Senate Bill No. 2023** -- Alcoholic Beverages -- Enacts "Gourmet Restaurant Enjoyment Act of Tennessee" or "GREAT". Amends TCA, Title 57, Ch. 4. (HB 2110).

Held on the Clerk's desk pending third consideration of companion House Bill.

**Senate Bill No. 2047** -- Judicial Officers -- Allows Davidson County circuit court clerks to collect fines for default judgments and to retain agent to collect fines that are six months delinquent; allows clerks to retain 30 percent of fines to defray costs of collection. Amends TCA, Title 20. (\*HB 1905).

Held on the Clerk's desk pending third consideration of companion House Bill.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

**House Bill No. 2313** -- Tullahoma -- Passed second consideration

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and held on Clerk's desk pending approval by local delegation.

**House Bill No. 2314** -- Insurance, Life -- Passed second consideration and referred to the Commerce Committee.

**House Bill No. 2315** -- Energy -- Passed second consideration and referred to the Commerce Committee.

**House Bill No. 2316** -- Annexation -- Passed second consideration and referred to the State and Local Government Committee.

**House Bill No. 2317** -- Credit Unions -- Passed second consideration and referred to the Commerce Committee.

**House Bill No. 2318** -- Credit Unions -- Passed second consideration and referred to the Commerce Committee.

**House Bill No. 2319** -- Hospitals and Health Care Facilities -- Passed second consideration and referred to the Health and Human Resources Committee.

**House Bill No. 2320** -- Hospitals and Health Care Facilities -- Passed second consideration and referred to the Health and Human Resources Committee.

**House Bill No. 2321** -- County Government -- Passed second consideration and referred to the State and Local Government Committee.

**House Bill No. 2322** -- Highway Signs -- Passed second consideration and referred to the Transportation Committee.

**House Bill No. 2323** -- Medicare and Medicaid -- Passed second consideration and referred to the Health and Human Resources Committee.

**House Bill No. 2324** -- Highway Signs -- Passed second consideration and referred to the Transportation Committee.

**House Bill No. 2325** -- Tobacco, Tobacco Products -- Passed second consideration and referred to the Commerce Committee.

**House Bill No. 2326** -- Common Carriers -- Passed second consideration and referred to the Commerce Committee.

**House Bill No. 2327** -- Telecommunications -- Passed second consideration and referred to the Commerce Committee.

**House Bill No. 2328** -- Banks and Financial Institutions -- Passed second consideration and referred to the Commerce Committee.

**House Bill No. 2329** -- Gambling -- Passed second consideration and referred to the Judiciary Committee.

**House Bill No. 2330** -- Utilities, Utility Districts -- Passed

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second consideration and referred to the State and Local Government Committee.

**House Bill No. 2331** -- Sexual Offenses -- Passed second consideration and referred to the Judiciary Committee.

**House Bill No. 2332** -- Railroads -- Passed second consideration and referred to the Transportation Committee.

**House Bill No. 2333** -- DUI/DWI Offenses -- Passed second consideration and referred to the Judiciary Committee.

**House Bill No. 2334** -- Municipal Government -- Passed second consideration and referred to the State and Local Government Committee.

**House Bill No. 2335** -- Health and Environment, Dept. of -- Passed second consideration and referred to the Health and Human Resources Committee.

**House Bill No. 2336** -- Jackson County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**\*House Bill No. 2337** -- Environmental Preservation -- Passed second consideration and referred to the Conservation and Environment Committee.

**House Bill No. 2338** -- Highways, Roads and Bridges -- Passed second consideration and referred to the Transportation Committee.

**House Bill No. 2339** -- Highways, Roads and Bridges -- Passed second consideration and referred to the State and Local Government Committee.

**House Bill No. 2340** -- Election Laws -- Passed second consideration and referred to the State and Local Government Committee.

**House Bill No. 2341** -- Housing -- Passed second consideration and referred to the State and Local Government Committee.

**\*House Bill No. 2342** -- Public Service Commission -- Passed second consideration and referred to the Commerce Committee.

**House Bill No. 2343** -- Taxes, Excise -- Passed second consideration and referred to the Finance, Ways and Means Committee.

**\*House Bill No. 2344** -- Board of Regents -- Passed second consideration and referred to the Education Committee.

**House Bill No. 2345** -- Workers' Compensation -- Passed second consideration and referred to the Consumer and Employee Affairs Committee.



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**House Bill No. 2346 -- Municipal Government --** Passed second consideration and referred to the State and Local Government Committee.

**House Bill No. 2347 -- Bond Issues --** Passed second consideration and referred to the Education Committee.

**House Bill No. 2348 -- Physicians and Surgeons --** Passed second consideration and referred to the Health and Human Resources Committee.

**House Bill No. 2349 -- Criminal Offenses --** Passed second consideration and referred to the Judiciary Committee.

**House Bill No. 2350 -- Criminal Offenses --** Passed second consideration and referred to the Judiciary Committee.

**House Bill No. 2351 -- Education, Higher --** Passed second consideration and referred to the Judiciary Committee.

**House Bill No. 2352 -- Liens --** Passed second consideration and referred to the State and Local Government Committee.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES  
February 24, 1992**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1679 and 2313.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR  
February 24, 1992**

**MR. SPEAKER:** The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Monday, February 26, 1992:** House Joint Resolution(s) No(s). 496, 497 and 498; House Bill(s) No(s). 1679 and 2313; also, Senate Joint Resolution(s) No(s). 345, 346, 347 and 348.

PHILLIPS, Chair.

**ENGROSSED BILLS  
February 24, 1992**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 506; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

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**MESSAGE FROM THE SENATE  
February 24, 1992**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 330, 336 and 340; for the signature of the Speaker.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**

**SIGNED  
February 24, 1992**

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 330, 336 and 340.

**ENGROSSED BILLS  
February 24, 1992**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2180, 2242, 2268, 2294 and 2308; also, House Joint Resolution(s) No(s). 488, 490, 491, 492, 493, 494 and 499; and find same correctly engrossed and ready for transmission to the Senate.

**BETTY KAY FRANCIS,  
Chief Engrossing Clerk.**

**MESSAGE FROM THE SENATE  
February 24, 1992**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution(s) No(s). 276, 395, 465, 466, 467, 469, 475, 476, 478, 480, 481, 482, 483, 484, 485 and 487; concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**

**MESSAGE FROM THE SENATE  
February 24, 1992**

**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 1864 and 1945; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**

MESSAGE FROM THE SENATE

February 24, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 350, 351, 354, 355 and 356; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 0350** -- Memorials, Professional and Business Achievement -- Jeanne Williamson, 1991 "Businesswoman of the Year". by \*Hicks.

**Senate Joint Resolution No. 0351** -- Memorials, Professional and Business Achievement -- Bill Gracey, "Businessman of the Year". by \*Hicks.

**Senate Joint Resolution No. 0354** -- Naming and Designating -- "Vietnam Veterans Week," November 11-17, 1992. by \*Burks, O'Brien, McKnight.

**Senate Joint Resolution No. 0355** -- Naming and Designating -- "Police Memorial Week," May 11-17, 1992. by \*Burks, O'Brien.

**Senate Joint Resolution No. 0356** -- Naming and Designating -- "Buy America" Month, July 1992. by \*Burks.

MESSAGE FROM THE SENATE

February 24, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1662, 1707, 1711, 1714, 1723, 1753, 1754, 1755, 1768, 1770, 1771, 1788, 1791, 1818, 1825, 1826, 1828, 1883, 1947, 2094, 2183, 2213 and 2290; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 1662** -- Minors, Gifts to -- Enacts "Tennessee Uniform Transfers to Minors Act". Amends TCA, Title 35. by \*Henry.

**\*Senate Bill No. 1707** -- Estates -- Reclassifies priority of claims against estate of deceased person to include reasonable funeral and burial expenses among those costs which enjoy first priority for payment; such expenses currently classified as third priority. Amends TCA 30-2-317. by \*Kyle.

**\*Senate Bill No. 1711** -- Hospitals and Health Care Facilities -- Mandates certification for administrators of institutional homes for aged, by requiring high school or equivalent education; provides for biennial renewal upon showing of at least 24 classroom hours of board approved continuing education courses. Amends TCA 68-11-209. by \*Ford.

**\*Senate Bill No. 1714** -- DUI/DWI Offenses -- Deletes provision which permits defendant to challenge constitutional validity of prior guilty plea DUI conviction at any proceeding where such conviction is used to enhance punishment. Amends TCA 55-10-403. by \*Greer, \*Person, \*Jordan, \*McNally, \*Gilbert.

**Senate Bill No. 1723** -- Highway Signs -- "J.R. Love Bridge" in Carter County. by \*Greer.

**\*Senate Bill No. 1753** -- Highway Signs -- "John Montgomery Bridge," Carter County. by \*Greer, Crowe.

**\*Senate Bill No. 1754** -- Highway Signs -- "Howard Garland Bridge," Unicoi County. by \*Greer, Crowe.

**\*Senate Bill No. 1755** -- Highway Signs -- "Rod Swift Bridge," U.S. Highway 19E. by \*Greer, Crowe.

**\*Senate Bill No. 1768** -- Highway Signs -- "Charles 'Chicken' Fite Memorial Highway," U.S. Highway 45E. by \*McKnight, Hamilton.

**\*Senate Bill No. 1770** -- Highway Signs -- "W. Atlas Turner Memorial Bridge," Madison County. by \*McKnight.

**\*Senate Bill No. 1771** -- Boats, Boating -- Requires boat operator to file accident report when injury or damage in excess of \$500; allows wildlife officer in boating accident to arrest person without warrant where probable cause exists. Amends TCA 69-10-216, 220, 69-20-210. by \*Albright, \*Greer.

**\*Senate Bill No. 1788** -- Game and Fish Laws -- Establishes alternative one day nonresident permit/license fee to fish for trout in premiere tourist resort city. Amends TCA 70-2-219. by \*Koella, McKnight.

**\*Senate Bill No. 1791** -- Highway Signs -- Big South Fork National River and Recreation Area, I-40. by \*O'Brien.

**\*Senate Bill No. 1818** -- Drugs -- Repeals chapter permitting research into therapeutic applications of marijuana and its derivatives in cancer and glaucoma patients. Amends TCA, Title 68, Ch. 52. by \*McNally, \*Lawson.

**\*Senate Bill No. 1825** -- Medical Occupations -- Revises authority of physician assistants; provides penalties for physicians who wrongfully use services of physician assistant. Amends TCA, Title 63, Chs. 9, 19. by \*Patten.

**Senate Bill No. 1826** -- Highway Signs -- Monroe County Maternity Center, SR 68. by \*Patten.

**\*Senate Bill No. 1828** -- Motor Vehicles, Titling and Registration -- Redefines "transportor" under motor vehicle registration law to include all persons engaged in business of delivering vehicles of type required to be registered. Amends TCA,

**MONDAY, FEBRUARY 24, 1992 -- SIXTY-SECOND LEGISLATIVE DAY**

Title 55, Ch. 1, Pt. 1. by \*McKnight.

**\*Senate Bill No. 1883** -- Highway Signs -- "Will Dixon Bridge," S.R. 50 in Perry County. by \*Springer.

**\*Senate Bill No. 1947** -- Highways, Roads and Bridges -- Requires department of transportation to maintain an inventory of all highway rights-of-way declared surplus and conveyed for uses other than highways. Amends TCA 54-5-141. by \*Montgomery.

**\*Senate Bill No. 2094** -- Gas, Petroleum Products, Volatile Oils -- Requires service station merchants who sell petroleum products containing 1 percent oxygen to affix label or post notice in counties designated as "carbon monoxide non-attainment areas". Amends TCA 47-26-247. by \*Kyle.

**\*Senate Bill No. 2183** -- Game and Fish Laws -- Creates statewide annual agency lake permit fee; establishes field trial permit and fee for wildlife management areas. Amends TCA 70-2-202, 219. by \*Greer, \*Hamilton.

**\*Senate Bill No. 2213** -- Water Pollution -- Corrects typographical error in Water Quality Control Act of 1977 by changing word "natural" to "national". Amends TCA 69-3-102. by \*Gilbert.

**Senate Bill No. 2290** -- Sewage -- Provides that in determining whether a wastewater treatment facility in certain municipalities has a retained earnings deficit, depreciation shall not include state or federal grant funds received. Amends TCA, Title 68, Ch. 13, Pt. 10. by \*McKnight, \*Rochelle, \*Hamilton.

**MESSAGE FROM THE SENATE**  
**February 24, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 353; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 0353** -- Memorials, Public Service -- Smyrna Jaycees, 20th anniversary. by \*Womack.

**ENROLLED BILLS**  
**February 24, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 1864 and 1945; also, House Joint Resolution(s) No(s). 276, 395, 465, 466, 467, 469, 475, 476, 478, 480, 481, 482, 483, 484, 485 and 487; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

SIGNED  
February 24, 1992

The Speaker announced that he had signed the following: House Bill(s) No(s). 1864 and 1945; also, House Joint Resolution(s) No(s). 276, 395, 465, 466, 467, 469, 475, 476, 478, 480, 481, 482, 483, 484, 485 and 487.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 3:30 p.m., Wednesday, February 26, 1992.